UNITED
NATIONS

CEDAW

Convention on the Elimination of All Forms of Discrimination against Women

Distr.
GENERAL

CEDAW/C/ZWE/1
20 July 1996

ORIGINAL: ENGLISH

COMMITTEE ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 18 OF THE CONVENTION ON THE ELIMINATION
OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Initial report of States parties*

ZIMBABWE

* The present report is being issued as received, without formal editing.

96-31156 (E) 180497 030597

/...

CONTENTS

Page

FOREWORD 6

INTRODUCTION 7

PART 1
Core Document
The Convention and Zimbabwe 8

PART 2
The Convention: article by article 13

Article 1
The definition of "discrimination against women" 13

Article 2
Legal and administrative measures undertaken to eliminate discrimination .. 14

Article 3
Measures to ensure the full development and advancement of women and basic human rights and fundamental freedoms on an equal basis with men 17

Article 4
Temporary measures that have been effected in order to accelerate de facto equality between men and women 18

Article 5
Social and cultural patterns that lead to discrimination and to stereotyped roles for men and women. Responsibility of both men and women for raising children 19

Article 6
Suppression of the traffic in and of the exploitation of the prostitution of women 22

Article 7
Elimination of discrimination against women in political and public life .. 23

Article 8
Equal opportunities with men to serve as representatives of government at the international level and as participants in the work of international organizations 27

Article 9
Equal rights to acquire, change or retain their nationality 28

Article 10
Elimination of discrimination against women in the field of education 29

Article 11
Elimination of discrimination against women in the field of employment 39

Page

Article 12
Elimination of discrimination against women in the field of health 44

Article 13
Elimination of discrimination against women in other areas of economic and social life 50

Article 14
Problems faced by rural women 54

Article 15
Equality before the law 58

Article 16
Elimination of discrimination against women within marriage and the family 59

Conclusion 63

Tables

1. Percentage employment distribution by sector and gender 21

2. Participation in legislative bodies 25

3. Participation in political party decision-making bodies by gender: ZANU (PF) 25

4. Executive office by gender 25

5. Participation in local government 26

6. Administrative officers in Zimbabwe Civil Service, June 1993 26

7. The Judiciary, 1994 26

8. Ambassadorial appointments, by sex, 1995 27

9. Enrolment by gender in primary school: 1991-1994 31

10. Number of female students at Chibero Agricultural College: 1990-1994 . 33

11. Female participation in higher education 33

12. Enrolment at the University of Zimbabwe, by faculty and gender: 1991-1994 34

13. Number of students by gender and faculty at the National University of Science and Technology for the period August 1994-February 1995 35

14. Number of students by gender and faculty at Africa University for the period 1993-1994 35

Page

15. Percentage composition of teachers in primary and secondary schools by gender from 1981 to 1994 37

16. Cumulative AIDS cases by age group and gender: 1987-1994 48

17. STD episodes by year: 1986-1994 48

18. Percentage of women knowing a method of contraception, ever user and current user of methods: 1994 49

19. Number of loans approved by SEDCO by gender: 1985-1993 52

20. Number of beneficiaries under group lending scheme: Agricultural Finance Corporation: 1992-1995 52

Annex tables

1. Primary school enrolment by gender and grade 64

2. Percentage enrolment in primary school 65

3. Secondary school enrolment by gender and form (Forms 1-4) 66

4. Percentage enrolment in secondary school (Forms 1-4) 67

6.* Secondary school dropout rate by gender and form (Forms 1-4) 68

7. Secondary school enrolment by gender and form (Forms 5-6) 69

8. Percentage enrolment in secondary school (Forms 5-6) 69

9. Secondary school dropout rate by gender (Forms 5-6) 70

10. Percentage distribution of population aged 5+ by school attendance and gender, Zimbabwe 1992 census 70

11. Percent distribution of the population aged 5+ by school attendance and by gender, urban and rural areas, Zimbabwe 1992 census 71

12. Number of people per hospital bed (excluding maternity beds) 72

13. Number of hospital facilities, population and number of people per facility 73

14. Life expectancy at birth, 1978-1990, Zimbabwe 1992 census 74

* Table 5 has not been supplied by the State party.

Page

15. A. Infant mortality rates by gender, 1978-1990, Zimbabwe 1992 census 74

B. Child mortality rates by gender, 1978-1990, Zimbabwe 1992 census . 75

C. Infant and child mortality rates and life expectancy at birth (EO) by gender for urban and rural areas 1990, Zimbabwe 1992 census . . . 75

D. Infant mortality and child rates and life expectancy at birth (EO) by gender and level of education of mother 1989 and 1990, Zimbabwe 1992 census 76

16. Percent distribution of children surviving by gender from the average number of children ever born, by age group of mothers, Zimbabwe 1992 census 77

17. Female probabilities of surviving from age 25 to age X, Zimbabwe 1992 census 78

18. Distribution of private households by size and sex of household, Zimbabwe 1992 census 79

FOREWORD

Zimbabwe ratified the Convention on the Elimination of All Forms of Discrimination against Women in 1991 and by so doing became a State party to the Convention. As a State party, the Government committed itself to respect and continue to observe the rights set out in the Convention, which it considers the International Bill of Rights for Women.

The report of Zimbabwe presented herein gives a detailed and comprehensive description of the current position of women in Zimbabwe. It is based upon a review of relevant publications and contributions submitted by relevant government ministries, non-governmental organizations and research institutions.

Upon the independence of Zimbabwe in 1980, the Government established a Ministry of Community Development and Women's Affairs as the national machinery for the advancement of women in all spheres of life. Through the activities of the national machinery working in conjunction with other government sectors and non-governmental organizations, considerable progress has been made in a number of areas. More progress is called for and, working in partnership with civil society, non-governmental organizations and other interested agencies, the aims of the convention will be accomplished.

I am pleased to submit the initial report on the Convention on the Elimination of All Forms of Discrimination against Women.

(Signed) F. L. CHITAURO
Minister of National Affairs, Employment
Creation and Cooperatives

INTRODUCTION

1. This report is based on a review of relevant publications and contributions submitted by relevant Government Ministries and non-governmental organisations. The report examines each article of the Convention and gives specific information on the legal provisions and administrative measures in place, developments that have taken place in Zimbabwe and the legal, cultural and social obstacles to women's access to and full enjoyment of their rights.

2. The report is divided into two parts. The first part, PART I, consists of the Core Document and general background information on the Convention. The Core Document gives general background information on the country, its population, ethnic composition, economic status, political and legal system. The second part of the report, PART 2, examines each article of the Convention and gives specific information on the legal provisions and administrative measures in place, developments that have taken place in Zimbabwe and the failures and difficulties encountered in the implementation, protection and promotion of women's rights.

PART 1

Core Document
THE CONVENTION AND ZIMBABWE

The economic performance of Zimbabwe rests mainly on agriculture, mining and manufacturing. Development in these sectors, as well as in other sectors, is guided in terms of the Government's national development plans.

Economic growth is mainly dependant on the annual performance of the agricultural sector and with persistent droughts and changes in the world economic situation (world economic growth also influences the growth of Zimbabwe's economy), the growth of the economy over the last 10 years has been uneven and erratic. The effects of drought on the economy have serious implications on the performance of the overall economy. The economy declines and, with it, there is also a decline in the level of per capita income. Agricultural production is reduced and this negatively affects, among other the areas, agro-industries and exports.

The 1992 census figures indicate that a very large percentage of women are based in the rural areas and are in one way or the other connected with or involved in agriculture. For instance, women form the largest number of inhabitants on communal land (2 873 609 as compared with 2 478 695 males), small scale commercial farms resettlement areas (215 888 as compared with 210 799 men). it is clear, therefore, that women suffer the most from poor agricultural performances as referred to above.

The census figures also show that women form about ¼ of the total paid employees, and that there are more female than male "own account workers" and "unpaid family workers". Generally, there are more males in Zimbabwe who are economically active than females and the reverse is true. Given this background, it is the women who, as pointed out above, tend to be economically marginalised, hence their dependence on men.

It is with this in mind that the Government established a national machinery(there is more information on this machinery given below), the Department of Women's Affairs, to advance the cause of women. Its policy and mandate was to -

- promote activities aimed at enabling women to participate in and at all political levels and structures;
- ensure the participation of women, on equal terms with men, in all sectors and all levels of formal employment;
- assist women in attaining economic independence;
- ensure the availability of adequate social services to women in as much as they are available to men;
- create a cultural environment which recognises the potential and actual role of women in cultural development;
- eliminate all laws that discriminate against women.

The department liaises with line ministries and departments, also involved in promoting the advancement of women and safeguarding their rights, such as the Ministry of Justice, Legal and Parliamentary Affairs, Ministry of Agriculture, Lands and Rural Resettlement, Ministry of Home Affairs and Ministry of Education. As from 1994, a focal point was established in other Ministries. The focal point is a person charged with the responsibility for ensuring that policies of their respective Ministries are gender sensitive. However, the proper procedures to be followed have not yet been fully defined.

Some of the methods employed by the Department of Women's Affairs, which involve the use of both the print and electronic media and are estimated to reach an estimated 3 - 5 million people, are -

- economic empowerment model projects at village and ward level, aimed mostly for women;
- improvement of women's productivity and access to resources;
- establishment of training centres for women - for skills training and demonstration of appropriate technology;
- establishment of grassroot infrastructure to promote the participation of women in local decision-making;
- organising the "Meet the President Programme". A session was held in 1994 dealing specifically with women's rights. It offered women an opportunity to raise with the President the issues that affect them. The department has also organised a "Day of the African Child" programme which discusses, among other things, gender awareness among the youth.
- close liaison with NGOs dealing with women's rights and advancement, such as the Legal Resources Foundation and the Women and the Law in Southern Africa;
- development of a gender training programme for the Ministry and for all civil servants at ZIPAM.

Zimbabwe acceded to the Convention in May, 1991, almost twelve years after it was adopted by the United Nations and almost eleven years after independence (1980). The Government undertook, in terms of the Convention, to establish equality for women in the political, economic, social and cultural spheres. The Government also undertook to pass laws that remove discrimination against women and to establish institutions and to undertake other measures that further women's advancement and address the problems facing them.

Zimbabwe is mainly a patriarchal society and has traditionally placed little recognition and value on women's participation outside the home. Not much recognition was given to their potential or actual participation and contribution to the overall development of the country - only their child-bearing and traditional nurturing roles were recognised.

This situation was exacerbated by colonial social and economic policies which tended to support the advancement of men at the expense of the women. For instance, men supplied labour on the farms and in factories and industries in urban areas while women

remained behind in the rural areas with subsistence farming as their main means of livelihood. It was therefore more advantageous to educate the male rather than the female.

Women were inferior in virtually every aspect of life. Economically, they were mostly dependent on men : due to limited educational opportunities, etc, they had little access to formal employment. In any case they did not have much protection under the labour laws, which tended to be discriminatory as regards remuneration and conditions of service (discrimination on grounds of sex as well as race). Women thus had to resort to subsistence farming, on land in respect of which they had no direct access and had limited rights of use.

Legally, women were perpetual minors, passing from the guardianship of their fathers (or brothers, uncles or such other guardian) to that of their husbands upon marriage. They had no legal status of their own and thus could not contract without the assistance of their guardians, acquire property in their own right, sue or be sued in their own right, etc. In politics and public life they were virtually non-existent. They had very little participation in decision-making.

As pointed out above, the responsibility of looking into women's status and problems and of making recommendations for change was, after independence, assigned to the Department of Women's Affairs in the then Ministry of Community Development and Women's Affairs. This department later on fell under the Ministry of Political Affairs and is now a unit in the Ministry of National Affairs, Employment Creation and Co-operatives. There was also until fairly recently (April, 1995) a Minister of State in the Office of the President responsible for Women's Affairs. The Department of Women's Affairs was charged generally with the responsibility of promoting the development of women and their integration in the economic, social, political and cultural spheres. The department adopted and supported programmes and activities aimed at eliminating all forms of discrimination against women and to create an environment conducive to the effective and meaningful participation of women in all sectors of national development and to enhance the quality of life for women as well as for the community at large. With the ratification of the Convention, the Zimbabwean Government did not set up any other body to specifically address women's rights and the Minister and the department were expected to play this role.

Concern has, however, been raised (especially by women's groups) over the movement of the Department of Women's Affairs from one Ministry to another. It has been felt that this movement tends to adversely affect the operational effectiveness of the department as the machinery for the advancement of women. It also gives the impression that Government attaches little importance to it or the role it is intended to play.

The administrative rearrangement of the department tends to temporarily affect the impetus on women's advancement. However, the Government remains totally committed to the goal of women's advancement and having an administrative structure, such as achieving this goal.

It has been noted that we have a Unit of Women's Affairs in the Ministry of National Affairs, Employment Creation and Co-operatives as well as a Minister of State in the Office of the President responsible for women's affairs (until fairly recently). It is pertinent to note that the unit carries the executive responsibility while public representation has been the responsibility of the Minister.

For instance, the unit runs a "Women and the Law Project" whose role it is to disseminate information on family law and other relevant laws to the public in general and women in particular, so that they are made aware and take advantage of their rights.

The responsibility of improving the status of women is also carried out by non-governmental organizations, which supplement and compliment the work of the Unit of Women in Development. There are over 670 registered non-governmental organizations in Zimbabwe, many of which focus on and campaign for the rights of women. About 100 have programmes on women's advancement and at least 50 have specific programmes for women, such as Women's Action Group, Women and Law in Southern Africa, Women in Law and Development in Africa and Zimbabwe Association of University Women. Different organisations use different approaches. Some are welfarist in their approach, concentrating more on the provision of relief aid to women and children. Others see the provision of income-generating opportunities and thus the raising of women's economic status as a prelude to their emancipation. Yet another group believes in the empowerment of women through strategies that link law and development. Most are aimed at the very poorest of women, particularly those in the rural areas.

During the early years of independence the NGOs concentrated on providing skills training, promoting income generating projects and adult literacy programmes in order to eradicate illiteracy among women, especially rural women. There has now been a shift in approach. The emphasis is now on legal research and education, networking women's enterprises, advocacy, counselling services for AIDS victims, victims of domestic violence and other marital problems, etc. Information on gender issues has also been disseminated, through, for instance, the improvement of accessibility of information to rural areas, translating into vernacular languages key national documents, simplifying Government guidelines and procedures for accessing services as well as relevant legislation, and gender awareness training.

Some political parties have women's wings, whose role is to promote women's rights, promote the advancement of women within the party as well as in the country as a whole and generally to promote the integration of women in the economic and political mainstream. For instance, the ruling Party ZANU PF has a Women's League, which plays this role. It has made considerable progress and made significant gains. However, it still has a lot to do. Not much information is available on the exact roles or achievements of the opposition parties, women's wings.

The Ministry of National Affairs, Employment Creation and Co-operatives also encourages the formation of and supports women's clubs and co-operatives. It considers these to be the first steps in decision making.

Apart from the Unit of Women in Development and NGOs there are also other bodies, such as the Ombudsman's Office, that look into people's grievances generally including those of women. In 1993 the Government also set up the Inter-Ministerial Committee on Human Rights, which advises the Government on issues pertaining to human rights and ensures that the Government's obligations under the various human rights instruments to which Zimbabwe is a party are complied with. It is composed of representatives from such relevant Ministries as the Ministry of National Affairs, Employment Creation and Co-operatives (Unit of Women in Development), Ministry of Justice, Legal and Parliamentary Affairs, Zimbabwe Republic Police, Chief Magistrate's Office and Office of the President

When Zimbabwe acceded to the Convention in 1991, women had already made substan-

tial strides in gaining legal reforms that sought to enhance their status and to remove imbalances of the past. For instance, the Legal Age of Majority Act was enacted in 1982 to grant them the majority status and in 1985 the Matrimonial Causes Act introduced relatively easy legal grounds for divorce and equitable distribution of property on divorce. In practice, however, much remains to be done to give effect to the legal reforms and remove all social, cultural, economic barriers to women's advancement and full participation in the development of the country.

Please note that the provisions of the Convention have to be incorporated into domestic law for them to have legal effect in Zimbabwe. The provisions of the Convention cannot be invoked directly or be enforced unless they have been incorporated into domestic law. The Convention has to a large extent been incorporated in the domestic law, under various enactments which will be covered in this report.

Please refer to the "Core Document" for more information under this Part.

PART 2

THE CONVENTION

ARTICLE BY ARTICLE

ARTICLE 1

THE DEFINITION OF "DISCRIMINATION AGAINST WOMEN"

There is no specific definition of "discrimination against women". The law does not as such deal with discrimination directed against women but with discrimination based on sex. The Constitution of Zimbabwe prohibits discrimination on the basis of race, tribe, place of origin, political opinions, colour or creed. Sex is not mentioned as one of the grounds on which discrimination is prohibited. In practice, this omission has been used to further women's advancement. The education policy, for example, has adopted affirmative action to encourage enrolment of female students in colleges and technical institutions. In addition, the Labour Relations Act, 1985 also allows for affirmative action in employment. The President has also been able to invoke affirmative action to appoint women to ambassadorial and other high public offices. However, this omission can also be used to the disadvantage of women as is indeed the case with respect to the laws governing citizenship in Zimbabwe.

Since the Constitution does not expressly prohibit discrimination on grounds of sex and in particular discrimination against women, it means that women are not able to invoke the Constitution for protection in those areas where they are discriminated against. While affirmative action has been beneficial to women, there is still need to amend the Constitution to expressly mention sex as one of the grounds on which the law or any person may not discriminate.

The Government is currently seriously considering effecting such an amendment and it is likely to be effected in the near future. There probably is also need for our law to define specifically, in line with the Convention, the term "discrimination against women" and to prohibit such discrimination.

Discrimination on the basis of sex is, however, defined in the Labour Relations Act for purposes of that Act, as an act or omission which is likely to cause persons of a particular sex to be treated less favourably or more favourably than persons of another sex. Employers are prohibited from discriminating against employees on the basis of sex and such type of discrimination is a punishable offence. Discrimination is prohibited in wage determination, provision of training facilities and advancement opportunities and in the provision of other employment facilities.

However, the following acts are deemed not to be discrimination on the grounds of sex :-

(a) where in accordance with the Act or any other law special conditions for female employees are provided;

(b) where in accordance with the Act or any other law, or in the interests of decency or propriety, an employer distinguishes between employees of different sexes;

(c) where it is shown that the Act or omission was done or omitted to be done, as the case may be, by or on behalf of a men's or women's or boys' or girls' organisation in the bona fide pursuit of the lawful objects of such organisation.

In addition to criminal sanctions for discriminating, an aggrieved person is also entitled to claim compensation for any damage she/he may have suffered as a result of the discrimination and an order from the Department of Labour Relations directing the employer to redress the contravention.

Please note that the Labour Relations Act does not cover employees in the Public Service. They are covered by the Constitution, a number of regulations, State Service (Disability Benefits) Act and State Service (Pensions) Act. Discrimination in the Public Service is also not allowed.

There is more information on this subject under Article 11.

ARTICLE 2

LEGAL AND ADMINISTRATIVE MEASURES UNDERTAKEN TO ELIMINATE DISCRIMINATION

1. Although the Constitution currently does not prohibit discrimination on the grounds of sex there are a number of enactments in place which are intended to remove discrimination against women. It must, however, be noted that most of these Acts were passed prior to Zimbabwe's accession to the Convention. Only one Act so far, the Deeds Registries Act, has been amended in line with the objectives of the Convention after accession.

(a) The Legal Age of Majority Act, 1982 gives men and women majority status at the age of 18. The Act, however, has far more reaching consequences for women because prior to its enactment, African women were perpetual minors with no legal capacity to enter into marriage, business and other contracts and to sue or be sued in their own right without their guardian's consent or assistance. As a result of this Act, women above the age of 18 years now have legal capacity to marry or to enter into commercial contracts or to sue or be sued in their own right.

Regrettably there are problems regarding the implications of the Legal Age of Majority Act. Many people do not appreciate its legal implications and they feel that it was meant to liberate children from parental control. They blame the Act for social ills and delinquencies among the young generation.

(b) The Matrimonial Causes Act, 1985 allows for an equitable distribution of matrimonial property between spouses on divorce (in a registered marriage). Under the Act, a woman's economic or domestic contribution to the well being of the family is taken into consideration in deciding on the division of the property. This Act does not however, apply to unregistered customary law marriages. While this type of marriages may be recognized by the parties and the society as a valid marriage, the law generally does not recognize it as a valid marriage, except for certain specific purposes such as for purposes of African law and custom relating to the status, guardianship, custody and rights of succession of the children. As a result women's advancement in this regard has been hampered especially considering that at least 80% women are rural based and marry under customary law and

do not register their marriages,mainly due to ignorance of the existence of the legal requirement for registration of marriages or ignorance of the implications of non-registration.

(c) Passed before independence, the Maintenance Act [Chapter 35] was unknown to most Zimbabwean women until after independence. While the Act does not have specific provisions in favour of women it gives a woman the right to claim maintenance from the father of her child (and vice-versa). The liability for maintenance of children is the joint responsibility of both parents though each contributes according to his or her means. Since women are the most economically disadvantaged, they are the ones who mostly depend on the Act to secure maintenance for their children. Men rarely claim maintenance from the mothers of their children. Almost 70 000 women in the country are claiming maintenance from responsible fathers at present. Any changes that strengthen the maintenance laws are therefore mainly to the advantage of women. For instance, some of the changes introduced are that an appeal against a maintenance order does not have the effect of suspending the order pending the hearing of the appeal and maintenance may now also be paid from terminal benefits. The claimant can also lodge her claim with the nearest maintenance court even if the defendant is resident elsewhere. She does not have to follow the defendant to his forum.

Apart from the Maintenance Act, there are two other related Acts which deal with the payment of maintenance. The Deceased Persons Family Maintenance Act, 1978 enables a surviving spouse and children to retain the matrimonial home and household goods and effects and the claim maintenance for themselves from the deceased estate. The Maintenance Orders (Facilities for Enforcement) Act [Chapter 36] facilitates the reciprocal enforcement of maintenance orders as between Zimbabwe and other countries.

In theory, Zimbabwe's law of maintenance is very comprehensive and progressive. However, some women are discouraged from taking advantage of this law by the cumbersome procedure in maintenance payments. Although the Ministry of Justice, Legal and Parliamentary Affairs has taken some positive steps to solve the problem the procedure is still bureaucratic and cumbersome.

(d) Prior to the amendment of the Deeds Registries Act in 1991, a married woman could not deal in immovable property without the assistance of her husband. The Act was amended to remove discrimination against women in the execution of deeds and documents required to be registered with the Deeds Registry. Women are now able to execute deeds and documents without the assistance of their husbands as was previously the case.

(e) The Infanticide Act, 1990 creates the offence of infanticide. In the past, such cases have been dealt with as murder cases and thus attracted the death penalty. The Infanticide Act came amid concern that women were paying for a crime that both men and women should pay for as often deserted or divorced women and school girls were the ones most likely to be driven into abandoning or killing their babies. Infanticide attracts a lesser penalty (imprisonment for a period not exceeding five years) as it takes into account the balance of the accused person's mind, that she was under stress or pressure, etc. and that the offence was committed within six months of the birth of the child.

(f) The Sex Discrimination Removal Act [Chapter 339] entitles women to hold

public office and to exercise all public functions established by national law on equal terms with men without any discrimination.

(g) Electoral Act, 1990. This Act enables women to vote in general and by-elections and to stand for election in Presidential and Parliamentary elections on equal terms with men.

(h) Labour Relations Act, 1985. As already discussed under Article 1 this Act prohibits employers from discriminating against any prospective employee or employee, in relation to employment, on grounds of, among other things, sex .

(i) Immovable Property (Prevention of Discrimination) Act, 1982 - it prohibits discrimination in respect of the sale, lease or disposal of immovable property and the financing of any such sale, lease or disposal on the ground of, among other things, sex.

2. Apart from passing laws, the Government of has also set up institutions to deal with women's problems in general. The Ministry of Community Development and Women's Affairs was set up in 1981 to deal with the issues of women (through the Department of Women's Affairs) and community development as a whole. In 1988 the Department of Women's Affairs was transferred to the newly created Ministry of Political Affairs. The department was later moved to the Ministry of National Affairs, Employment Creation and Co-operatives when the Ministry of Political Affairs was done away with in 1992. The President has also appointed a Minister of State in the President's Office, responsible for women's affairs. The roles of the Department of Women's Affairs and the Minister of State have already been dealt with under Part 1. The concerns raised over the constant movement of the Department of Women's Affairs have also been discussed under that Part.

The Government has also set up the Ombudsman's Office to deal with people's grievances. Although set up for all persons, the Ombudsman's Office has become a useful channel through which aggrieved women seek redress of administrative decisions or actions taken by Government, municipal and statutory bodies.

The Ombudsman must be a person qualified for appointment as a judge and is appointed by the President after consultation with the Judicial Service Commission (the current Ombudsman is female). The Ombudsman's Office is a public office which was set up in terms of the Constitution and the Ombudsman Act, 1982. Its functions include the investigation of cases of maladministration in Government, parastatals and statutory bodies controlled by Government. It has no jurisdiction over cases arising within the commercial and informal sector. The Ombudsman cannot investigate complaints against the Police, Defence Forces, Prison Service, Central Intelligence Organisation, President's Office, Attorney-General and Secretary for Justice, Legal and Parliamentary Affairs or any member of their staff in relation to the conduct of any prosecution, the conduct of any civil action or any legal advice given to Government.

Regrettably, the Ombudsman can only recommend corrective action and has no enforcement powers.

According to reports from the Ombudsman's Office, the most common cases that women have complained about are the delay in the payment of maintenance, those pertaining to inheritance rights, sexual harassment and division of property on divorce. Furthermore, women bring complaints concerning unfair treatment, sexual harassment, etc, in the

workplaces for investigation. However, many women either do not know of the existence of the Ombudsman's Office or have no access to it.

The Government is currently considering recommendations for the extension of the powers of the Ombudsman to include investigations of alleged violations of human rights. The Ombudsman's Office would act as a national human rights institution. If the recommendations are approved the office could be taken advantage of by women to achieve the full protection, implementation and promotion of their rights.

The Inter-Ministerial Committee on Human Rights, though not set up specifically to address women's rights, has an important role to play. As Government's adviser on human rights issues, it can advise the Government on the need for legislation and administrative measures to further promote women's rights. For instance, the Committee recommended to Government the ratification of two instruments that are very important to women, the Convention on the Political Rights of Women and the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages. Ratification has been approved.

ARTICLE 3

MEASURES TO ENSURE THE FULL DEVELOPMENT AND ADVANCEMENT OF WOMEN AND BASIC HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS ON AN EQUAL BASIS WITH MEN.

Under Part 1 and Article 2 we have noted some positive measures taken by Government to ensure the full development of women and that they enjoy human rights and fundamental freedoms on equal terms with men.

We have noted a number of enactments that have been put in place in order to remove discrimination against women. In Article 2 information has been provided showing the gains that women have achieved through legislative measures taken by Government, such as the removal of perpetual minority of women and granting them full legal capacity at the age of 18 years, easier grounds for divorce and equitable distribution of matrimonial property, removal of sex discrimination in public and political life and as well as in the field of employment, etc.

We have also noted, under Part 1 and the last part of Article 2, the institutions that have been put in place, specifically for the advancement of women and the protection of their rights and generally for the protection and promotion of human rights of all people. Such institutions as the Unit of Women's Affairs, the Ombudsman's Office and the Inter-Ministerial Committee on Human Rights have a role to play towards the achieving of equality of the sexes in the enjoyment of basic human rights and fundamental freedoms.

Under Articles 7, 10, 11, 12 we will discuss the progress made regarding the advancement of women in the fields of political and public life, education, employment and health.

It will be noted that while a lot of progress has been made towards ensuring the full development of women and guaranteeing them the exercise and enjoyment of human rights and fundamental freedom on a basis of equality with men, there is still a lot to be done to realize the objective of this Article.

ARTICLE 4

TEMPORARY MEASURES THAT HAVE BEEN EFFECTED IN ORDER TO ACCELERATE *DE FACTO* EQUALITY BETWEEN MEN AND WOMEN.

1. As discussed under Part 1 and Articles 2 and 3, there are some measures that have been undertaken to achieve equality between men and women.

The Government has also taken some positive temporary measures to achieve this equality. The Ministries of Education and Culture and Higher Education have adopted a policy of discriminating in favour of females with regard to the allocation of Advanced Level and technical and scientific training places in secondary schools and technical colleges respectively. These measures are meant to correct the historical inequalities in the social and education systems which favoured boys at the expense of girls with respect to educational advancement. More information on this is provided under Article 10. Traditionally, girls, on average, have fewer years of schooling than boys and women tend to be educated and trained in the traditionally feminine occupations such as teaching in the non-scientific and non-technical areas, in nursing and other service occupations and it is Government policy to remedy this.

The Ministry of National Affairs, Employment Creation and Co-operatives has initiated a project, under "Women and Law" for engendering the school curriculum. This project is anticipated to have a far reaching impact on equality.

The Ministry of Education has introduced pre-school education particularly in the rural areas. A lot of rural women are in this programme for instance, as teachers. The programme, to a large extent, contributes to the socialisation of women, particularly, rural women.

The ultimate goal of the Government is to afford everyone, regardless of sex, reasonable education, of at least up to secondary level ("O" Level).

In staffing, there have been attempts in the Ministry to accelerate the promotion of women who had previously been disadvantaged by the colonial policy of considering married women as temporary staff who had to reapply for their positions after they had taken maternity breaks. This resulted in long-serving women with children losing seniority at work in education as a result of marriage and child bearing.

Recently, the University of Zimbabwe, which is the oldest and biggest of Zimbabwe's four universities, introduced with immediate effect affirmative action policy when admitting female students. This policy is designed to reduce the gender imbalance in higher education. Women entering university through 'A' level qualification will have their cut-off point set at two points below that for men. Those seeking entry through mature entry tests will only have to be aged 25 rather than 30 as is currently the case.
This year (1995) the university admitted 2 000 first-year students and of this intake, 35 percent were women. In the past female enrolment was around 25 percent.

Affirmative action measures have also been adopted by Government, through the Public Service Commission, in order to advance women in the Public Service. Only 12% of the senior public service posts are occupied by women. Government's target is to have at least 33% of the senior public service posts held by women by the year 2000. It is Government policy to equip women with the necessary skills for management positions

in the Public Service, through for instance, the Management Development Programme for civil servants which is run by the Zimbabwe Institute of Public Administration and Management. Under the programme the Institute has for the period February, 1991 to October, 1994, trained 79 women, compared to 390 men. Although the number of female is comparatively smaller to that of male trainees (about one quarter), there are plans to send more women for training under the programme.

2. The measures discussed above, as well as those discussed under Article 2 aimed at accelerating *de facto* equality between men and women, are not considered discriminatory. With regard to measures aimed at protecting maternity, the Labour Relations Act makes provision for special conditions for female employees and these are not a form of discrimination. Nor is the distinction between the sexes on grounds of decency or propriety.

The Act allows for the enactment of regulations allowing for special conditions applicable to female (as well as juvenile and disabled employees) and for the restriction of the employment of pregnant women in specific types of work or at specific times.

ARTICLE 5

SOCIAL AND CULTURAL PATTERNS THAT LEAD TO DISCRIMINATION AND TO STEREOTYPED ROLES FOR MEN AND WOMEN. RESPONSIBILITY OF BOTH MEN AND WOMEN FOR RAISING CHILDREN.

1. In Zimbabwe there are many traditional and cultural practices that directly and indirectly hamper women's advancement. For example, the pledging of girls or marrying them off at tender ages which is still practiced by some communities mainly religious and in some cases as a customary practice, tends to militate against their rights as human beings and to deprive them of care, education, proper marriage, etc. The customary position of women as perpetual minors and inferior to men especially in the Shona, Ndebele and such other ethnic groups also predisposes families to minimising the advancement of women and girls. Advancement in such areas as education, politics, health care and inheritance of property tend to be diverted to boys and men who are regarded as permanent and major members of families, especially in patriarchal cultures. This relegates women to performing and remaining in unpaid domestic labour, subsistence agriculture and lowly paid wage work.

Custom and tradition also impose norms and values about the expected behaviours of men and women and this makes the task of improving the status of women difficult. Women are expected to be docile, retiring, hardworking, long suffering and obedient to men. In public life, women are customarily expected not to draw attention to themselves. The payment of *lobola* (dowry), which is still a very common practice, also has a bearing on the role of women in a traditional society. Since men pay *lobola* to their in-laws in respect of their wives, many men and their families, and in some cases even the women's family, expect a subservient, loyal and obedient service from their wives. Many women are ill-treated by their husbands or husband's family on the ground that *lobola* was paid for them and that therefore thus should be obedient and respect their husbands and in-laws. Upon the death of the husband many women are left with very little as they are dispossessed of the matrimonial property by the in-laws. In some cases the children of the marriage are also taken away from them. In other cases the widow is expected to marry one of her deceased husband's family.

The custom and practice of genital mutilation (circumcision) which is common in some parts of the world is very rare in Zimbabwe. While there have been some unconfirmed reports of the existence of the practice among certain localised communities of foreign origin, the practice is not a menace as it is in some other parts of the world.

The 1992 Population Census has proved that men still dominate as household heads. Please see Table 18 of Annexure.

Generally the media also tends to support the domineering roles of men. Women's issues do not get sufficient coverage in the national press and some of the coverage tends to be negative and does not support their cause.

A number of legal and social measures have been adopted to change the social and cultural patterns that lead to stereotyping and continuance of the idea that women are inferior to men. Under Part 1 and Articles 1 and 2, we have already discussed legislation that places men and women on the same footing as well as institutions that are intended to promote the advancement of women and to destroy the myth that one sex is inferior or superior to the other. At various fora and in various publications Government policy pronouncements have been in support of progress towards the equality and the full participation of women in society.

For instance, during the "Meet the President Programme" of August last year, which focussed mainly on women's rights, the President made it clear that the Government was fully in favour of and behind the equality and full participation of women in all spheres of life. He expressed the Government's support for the Unit of Women in Development, relevant NGOs, women's clubs and groups, etc., in their endeavours to advance women in society and to promote and protect their rights.

Women's groups have also been instrumental in leading and stimulating debate on social change and the stereotyping of men and women. These debates have been useful in as far as they have revealed the different ways in which men and women of different classes, ages and races perceive the changes taking place in post-independence Zimbabwe.

The "Women and the Law" project has also endeavoured to address issues on tradition and culture in its awareness campaigns.

With regard to occupations and jobs, there is still a traditional division of work with women more likely to be found in the more traditional service occupations such as teaching, nursing and secretarial while men are more likely than women to go into construction, banking, scientific and technical work. Table 1 below shows the distribution of men and women in the different economic sectors in Zimbabwe for the periods 1980, 1985 and 1990. In general, there is not much of a departure from the sexual divisions of labour that prevailed by gender in 1980 at independence. In schools, there is still a lot of sex-differentiation of tasks with girls continuing to do domestic science and boys doing wood and metal working subjects. Only a few isolated schools have tried to break out of this traditional sexual division of tasks.

TABLE 1
PERCENTAGE EMPLOYMENT DISTRIBUTION BY SECTOR AND GENDER

ECONOMIC SECTOR	MALES			FEMALES		
	1980	1985	1990	1980	1985	1990
Agriculture	74.0	75.7	73.9	26.0	24.3	26.1
Mining	98.2	97.8	97.1	1.8	- 2.2	2.9
Manufacturing	92.7	93.2	93.0	7.3	6.8	7.0
Electricity	97.0	96.1	95.4	3.0	3.9	4.6
Construction	98.6	98.4	97.8	1.4	1.6	2.2
Finance	60.0	65.4	68.8	40.0	34.6	31.2
Distribution	82.8	67.3	85.0	17.2	32.7	15.0
Transport and Communication	93.4	93.8	93.1	6.6	6.2	6.9
Public Administration	92.7	88.3	89.8	7.3	11.7	10.2
Education	66.6	62.3	66.1	33.4	37.7	33.9
Health	42.8	43.7	42.8	57.2	56.3	57.2
Private Domestic	84.4	77.0	73.7	15.6	23.0	26.3
Other Services	82.0	83.3	85.5	18.0	16.7	14.5
ALL SECTORS	**83.0**	**82.0**	**82.0**	**17.0**	**18.0**	**18.0**

Source : Central Statistical Office

The law does not bar women from performing any kind of work and does not allow discrimination against women at workplaces. However, employers may provide special conditions for female workers or in the interests of decency and propriety, distinguish between male and female workers.

Given the rights to maternity leave that women are entitled to, in the climate of austerity and a growing emphasis on productivity, women have lesser chances of entering the job market and staying to acquire seniority and high incomes since some employers perceive women as costlier than men to employ.

Much more can be done to eliminate social and cultural practices which perpetuate the concept of inferiority or superiority of either sex. This could be achieved through, for instance, a sustained media campaign to draw people's attention to the changing needs of women in the society. Government, non-governmental organisations, the media and other bodies must stimulate and sustain debate on gender issues and the rights of women. Government could take the lead in explaining to people why it ratified the Convention and how it proposes to implement the provisions of the Convention. This would give more legitimacy to women's demands for equal rights with men in Zimbabwe. NGOs also need to help in this effort so that they can contribute their resources and expertise in getting the message and the spirit of the Convention to a wider public.

2. The law in Zimbabwe recognises the rights, duties and common responsibility of men and women in the upbringing and development of their children. Laws such as the

Maintenance Act, Guardianship of Minors Act, Children's Protection and Adoption Act and Common Law deal with parental responsibility and they seek to safe-guard the interests of children. In all cases the interests of the children are paramount. There is more information on this under Article 16 of this report as well as under Section 2 of Zimbabwe's first report on the Convention on the Rights of the Child.

ARTICLE 6

SUPPRESSION OF THE TRAFFIC IN AND OF THE EXPLOITATION OF THE PROSTITUTION OF WOMEN

A "prostitute" is defined in the Criminal Law Amendment Act [Chapter 58] as including any female who for money or reward habitually allows herself to becarnally known by divers men or solicits divers men to have carnal connexion with her.

In Zimbabwe, the prevailing social attitude towards prostitution is that of extreme disapproval. The legal stance towards prostitution is a prohibitionist one. Chapter 58 creates the following offences in respect of prostitution :

- running a brothel
- pimping (by both males and females)
- procuring women to become prostitutes within Zimbabwe or outside or to leave their usual place of abode to live in a brothel or to frequent a brothel for purposes of prostitution.

The Miscellaneous Offences Act [Chapter 68] provides that any person loitering or being in any public place for the purpose of prostitution shall be guilty of an offence.

There is no specific legislation prohibiting the traffic in persons and in women in particular. Trafficking in women is prohibited in general terms under Chapter 58. The traffic in persons is not a common occurrence though. In view of the growing problem of the trafficking in women (and children) worldwide, a problem that might also affect Zimbabwe, there may be need for a specific law on trafficking.

With regard to sexual exploitation and sexual abuse in respect of children, the Children's Protection and Adoption Act makes it criminal to allow a child to live in or frequent a brothel or to cause a child to be engaged in prostitution. The Act also makes it an offence to adopt a child for purposes of sexual exploitation. Unfortunately not many cases of the sexual exploitation of children are exposed for investigation by the police and relevant authorities and offenders therefore go unpunished.

Efforts by the police to enforce the laws against prostitution have so far not achieved much. It is difficult to identify the offenders and often times innocent people are caught up in the net. The police have tended to indiscriminately arrest women purporting to be prostitutes, especially those unaccompanied by men at night in the streets, hotels, night clubs, etc.. This conduct has in some cases violated the women's rights, such as the freedom of movement and association. The wave of arrests of women just before major conferences, summits or occasions involving foreign dignitaries, has also given rise to questions as the police's genuineness, commitment, sensitivity and fairness in their effort to eradicate prostitution. Allegations have been made that they victimise women while men who promote, aid, exploit or are generally involved in the prostitution of women go scot free.

For instance, just before the Non-Aligned Movement Summit held in Harare in 1986, the police rounded up a lot of women and the then Ministry of community Development and Women's Affairs initiated a strong debate in the press, largely criticising the indiscriminate and high-handed manner in which the women had been treated by the police. The matter was also discussed in Parliament and a number of NGOs also took up the matter. This forced the relevant ministry (Home Affairs) to re-examine its policy and approach relating to the rounding up of alleged prostitutes.

There are a number of social and economic obstacles that hinder the elimination of prostitution, such as poor education, employment and poverty. Prostitution is also considered as an easy way to make money by both the prostitutes themselves and those who exploit them.

The growing emphasis on tourism as a foreign currency earner also stimulates the sex trade as a significant number of tourists have sex for reward with locals, particularly women. Thus, total elimination of the prostitution of women will necessitate a long term structural change in the social and economic conditions under which men and women live in Zimbabwe.

Not much has been done by Government by way of preventive measures and rehabilitation of prostitutes. It tries to assist through, for instance, the formation of co-operatives. Some NGOs have taken the initiative to rehabilitate them.

The Government has approved accession to the Convention on the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others and steps are now being taken to formally accede to the Convention. It is hoped that when the Convention has been acceded to, our law against prostitution and the exploitation of prostitution of women will be strengthened and that specific provision prohibiting and penalising the traffic in persons (women especially) will be made.

ARTICLE 7

ELIMINATION OF DISCRIMINATION AGAINST WOMEN IN POLITICAL AND PUBLIC LIFE

1. Legally, there is no barrier to women's participation in public and political life in Zimbabwe. The Constitution and the Electoral Act, 1990 enable women to vote in general and by-elections and to stand for election in Presidential and Parliamentary elections on equal terms with men. The Sex Discrimination Removal Act entitles women to hold public office and to exercise all public functions established by national law on equal terms with men without any discrimination. It is in recognition of women's rights in this regard that the Government recently decided to accede to the Convention on the Political Rights of Women. The necessary instrumentof accession has already been transmitted to the United Nations.

However, women do not stand for electoral office as frequently as men and their political participation is confined to voting for predominantly male candidates. In all political parties, there is a predominance of male candidates for most positions except for the welfare type positions relating to health, education, women and children's issues.

There are many obstacles to women's participation in political and public life in Zimbabwe. Custom and tradition hinder women's involvement in fora traditionally regarded

as men's. Women's roles are seen as those of caring and looking after the welfare of spouses, children and elderly people. Politics and public life are not commonly associated with these roles and women who take part in politics are usually viewed as unfeminine and aggressive, qualities which are not ideal in a traditional society.

Taking an active part in political and public life also presupposes the existence of a support system and back-up in the domestic domain. Since women, be they in wage work or in unpaid domestic labour, are primarily responsible for household work, its organisation and management and for child caring, they are less likely to have much disposable time and family support to pursue political careers.

It is relatively rare for women to venture into politics in their own right because they find it difficult to gain family and public, moral and financial support for their political ambitions. It is also important to mention that from general observations the bulk of the illiterate and semi-literate female population also have more confidence in male politicians than the female ones. Thus, until there is a shift in women's acceptance of male authority and more vigorous measures to enable non-traditional women politicians and politics, it is unlikely that the existing dominance by men over politics will be eroded. During the "Meet the President Programme" referred to above, the President encouraged women to use their vote to empower themselves and not men. He encouraged women to elect more females into Parliament in order to increase their representation and to enhance their chances of getting more ministerial posts.

Efforts have been made to get women involved in political and administrative structures at grassroots level by increasing their membership and encouraging their full participation in Ward Development Committees (WADCOs) and Village Development Committees (VIDCOs). At least one of the seven members comprising the committees must be a woman. There is a tendency, however, in most committees to have only the mandatory one female member and the rest of the members being males.

2. The general elections of 1990 and 1995 resulted in the formation of a government with a preponderance of males as Members of Parliament and Ministers. For the 1990 - 1995 period of the 150 Members of Parliament only 17 were female. Of the 17 female Members of Parliament, 4 were appointed by the President and one was ex-officio. Please note that of the 150, 120 are elected, 12 are appointed by the President, 8 are *ex-officio* (Provincial Governors) and 10 are chiefs. For the 1995 - 2000 period (recent Parliamentary elections were held in April, 1995), 21 are female, of which 2 were appointed by the President and one is *ex officio*.

For the period 1990 to 1995 there were 31 Ministers and Governors of whom 2 were female. There were 6 Deputy Ministers of whom 4 were female. There was no female in the Cabinet (previously there were two). The only female Minister was a Minister of State in the President's Office.
The following tables show the composition of women in Parliament, in the major ruling party (ZANU PF) organs, and in the Executive.

TABLE 2
PARTICIPATION IN LEGISLATIVE BODIES

	1980 - 1984	1985 - 1990	1990 - 1995
House of Assembly	100	150	150
Men	92	133	129
Women	8	17	21
Percent Women	**8.0**	**11.3**	**14**
Senate	40	-	-
Men	37	-	-
Women	3	-	-
Percent Women	7.5	-	-
Total Parliamentarians	140	150	150
Men	129	133	129
Women	11	17	21
Percent Women	**7.9**	**11.3**	**14**

TABLE 3
PARTICIPATION IN POLITICAL PARTY DECISION-MAKING BODIES BY GENDER : ZANU (PF)

	1985 - 1989			1990 - 1994			1994 -		
	F	M	TOTAL	F	M	TOTAL	F	M	TOTAL
Politburo	1	14	15	2	14	16	3	21	24
Central Committee	24	66	90	-	-	-	31	149	180

TABLE 4
EXECUTIVE OFFICE BY GENDER

	1985		1990		1995	
	F	M	F	M	F	M
Ministers (including Ministers of State)	2	25	3	29	2	21
Deputy Ministers	2	14	6	67	4	11
Governor/Resident Ministers	0	7	1	7	1	7

* Please note figures represent appointments just after a general election. In between general elections figures may vary here and there.

In local government, the number of women in top positions is also negligible. Most of the city and town councils comprise men. The following table shows the number of women in town and city councils.

TABLE 5
PARTICIPATION IN LOCAL GOVERNMENT

	1980		1985		1990/94	
	F	M	F	M	F	M
Mayors	0	16	0	16	0	22
Deputy Mayors	0	16	0	16	2	21
Town Clerks	1	15	1	15	2	21
Deputy Town Clerk	0	16	0	16	0	16

Not many women hold high public offices. The following tables show the number of women in the judiciary and in high positions in the Public Service. It is Government's intention to advance women's participation in management in the Public Service through affirmative action. Its target is to have at least 33% of the senior Public Service posts held by women by the year 2 000. The Management Development Programme which is run for civil servants by the Zimbabwe Institute of Public Administration and Management should see more and more women equipped for management positions. We have already discussed this programme under Article 4.

TABLE 6
ADMINISTRATIVE OFFICERS IN ZIMBABWE CIVIL SERVICE, JUNE 1993

	MALE	FEMALE	TOTAL
Permanent Secretary	21	2	23
Deputy Secretary	54	5	59
Under Secretary	104	21	125
Assistant Secretary	135	58	193
Senior Administrative Officer	243	103	346
TOTAL	557	189	746

* *Source : Public Service Commission*

TABLE 7
THE JUDICIARY, 1994

	MALE	FEMALE	TOTAL
Judges	18	2	20
Magistrates	113	37	150
Ombudsman	0	1	1
Deputy Ombudsman	0	0	0

* *Source : Ministry of Justice, Legal and Parliamentary Affairs*

3. It is mainly in the women's organizations and those that deal with charity and welfare that women dominate. Much of the input from women comes via the non-governmental organizations in which women predominate in membership and activity. They are free to form or join and participate in these organisations. The women's non-governmental organizations, and to some extent women's league within political parties, are the ones that have mostly concerned themselves with the promotion of women's human rights and encouraged their participation in political and public life.

There is need for political parties to reassess their practices in order to eliminate those that militate against participation in politics by women. It is imperative that men within and outside political parties accept women's efforts to redefine women's participation in public life in ways that allow women to venture into all kinds of politics. This will enable more and qualified women to enlarge the scope of their institutional political participation.

Non-governmental organisations, women's leagues and the Department of Women's Affairs could get involved in advocacy and lobbying efforts which improve the political skills and gender sensitivity of incumbent women politicians in all spheres of life. This will give such women skills to present, defend and mobilise support for issues that women are interested in.

ARTICLE 8

EQUAL OPPORTUNITIES WITH MEN TO SERVE AS REPRESENTATIVES OF GOVERNMENT AT THE INTERNATIONAL LEVEL AND AS PARTICIPANTS IN THE WORK OF INTERNATIONAL ORGANIZATIONS

There is no legal impediment preventing women from representing the countryat international level. Women and men have the same rights in this area. Since independence, Zimbabwean women have held ambassadorial an d other high posts at international level. However, the numbers are few as will be shown in the table below.

TABLE 8

AMBASSADORIAL APPOINTMENTS, BY SEX, 1995

	F	M	TOTAL
Ambassador/High Commissioner	4	29	33
Ministers Counsellors	4	24	28
Counsellors	4	26	30
Deputy Ambassador	6	46	52

The appointment of Ambassadors/High Commissioners is the prerogative of the President on recommendations by the Public Service Commission. Not many ambassadorial posts have been given to women since independence as is evident from Table 8 above.

There have been allegations from some quarters that married women are denied equal access with men when it comes to foreign diplomatic postings because the Government requires the husband's consent before a woman can be appointed to such high international post. As spouses of diplomats are not allowed to work in foreign countries, men

are not likely to allow their wives to take up ambassadorial posts and be the housekeepers and children rearers, a role that tradition and male attitude ascribes to women. However, Government policy, as enunciated and implemented by the Ministry of Foreign Affairs, is that the posting of officers to serve at Embassies/High Commissions in foreign countries be based on criteria that do not take into account the sex of the officer. Husbands and wives are referred to and treated as spouses and the question of consent for whichever spouse does not arise.

No figures were available on the number of women in regional and international organisation when this report was compiled.

Much more needs to be done for the appointment of more women to represent the Government at international level and as participants in the work of international organisations.

ARTICLE 9

EQUAL RIGHTS TO AQUIRE, CHANGE OR RETAIN THEIR NATIONALITY

1. Nationality in Zimbabwe is governed by the Constitution and the Citizenship of Zimbabwe Act, 1984. According to the Constitution, citizenship in Zimbabwe is acquired by birth, descent or registration. Women cannot pass on their citizenship to their children. However, illegitimate children can acquire citizenship from their mothers. Children acquire their father's citizenship (i.e. in respect of citizenship by birth or descent).

A foreign woman can acquire citizenship by registration by virtue of her marriage to a Zimbabwean citizen. However, a foreign man married to a Zimbabwean citizen does not have such right and has to qualify for citizenship through the normal way like any other alien wishing to acquire Zimbabwean citizenship.

At present, the foreign spouses of Zimbabwean women living here with their families are required to have a residence permit and a work permit otherwise they are treated like visitors, whereas foreign women married to Zimbabwean citizens automatically get the right to apply for a citizenship and a work permit. The granting of work permits is contingent upon the man's skills being evaluated as scarce or unavailable in Zimbabwe. This is the ground on which many foreign male spouses have been denied work and residence permits.

In terms of the Constitution, an unmarried woman can pass on her citizenship to her "illegitimate" children. What this means is that an unmarried mother can register the birth of the child herself and obtain a birth certificate for the child. The child can travel on the mother's passport. In short the mother is the guardian of the child and can sign all legal papers for the child. However, this only applies where the father's name will not appear on the child's birth certificate, otherwise the law requires the consent of the father as guardian of the child.

2. Zimbabwe is a party to the Convention on the Nationality of Married Women, which Convention provides that neither the celebration nor the dissolution of marriage between a State's national to an alien, nor the change of nationality by the husband during marriage shall automatically affect the nationality of the wife.

This principle is recognised by the Citizenship Act, which provides that the nationality of a woman shall not be affected by marriage. She may acquire, change or retain her nationality as if she were an unmarried woman of full age. Similarly, marriage does not affect a woman's majority status. She can transact, enter into contract, sue or be sued, etc. in her own right. She can obtain a passport in her own right without her spouse's consent.

It will be noted that our law relating to citizenship is inconsistent in some regards with the provisions of Article 9. For instance, it does not place mothers on the same footing with fathers with regard to the transmission of citizenship to their children. Foreign spouses are not treated equally and as has been discussed above, the law clearly favours foreign women married to Zimbabwean men.

The Government is currently considering amendments to the Constitution and the Citizenship Act and it is likely that foreign spouses will in future be treated equally thus removing the advantage that Zimbabwean men have hitherto enjoyed over their female counterparts in that regard.

In a 1994 immigration case the Supreme Court ruled that if a female citizen's foreign husband is not permitted to reside with her in Zimbabwe (as may be the case in terms of the Immigration Act) the constitutional right of the woman to freedom of movement would be contravened. In other words the Supreme Court's approach was that the Immigration Act should apply equally to both male and female citizens who have foreign spouses.

It is not yet clear though if Government will amend the Immigration Act to put it in line with this Supreme Court ruling.

ARTICLE 10

ELIMINATION OF DISCRIMNATION AGAINST WOMEN IN THE FIELD OF EDUCATION

1. The education system of Zimbabwe still bears the mark of the colonial past when blacks (and especially girls) were discriminated against in terms of quality and expenditure on pupils, schools and staff. At independence the education system was unified although the class-based differences in schools persist.

Government has made continual efforts, mainly through the Ministry of Education and Culture (now the Ministry of Education), which is responsible for primary and secondary education, towards the full realization of the right of everyone to education, regardless of race, tribe, creed, region of origin, social or economic group and, more importantly, sex.

Government has maintained the position that education is a basic human right and it remains committed to the provision of a relevant, quality education to everyone. Its efforts, targets and strategies have been guided by policies aimed at providing equalised educational opportunities through expanded access, a common curriculum offered by a unitary system of education and concerns of affordability.

2. In order to equalize access to education by race, class and gender, the Government introduced free, compulsory primary schooling for all children. In practice, the pupils were expected to pay levies for maintaining schools and to buy uniforms since most schools insist that children wear uniforms. However, due to the current Economic Structural Adjustment Programme tuition fees have been reintroduced. Safeguards against violation of the children's right to primary education had to be put in place. Rural schools have remained tuition-free, noting that their conditions are characterised by relative socio-economic deprivation. Fee structures for the rest of the primary schools have generally been kept at affordable levels and are drawn up on a sliding scale which gives financial relief to the economically less endowed sections of the community. The cost recovery programme has, though, eroded the gains achieved in education before its introduction.

3. Generally, everyone has access to primary education. The duration of primary schooling is 7 years and in secondary school, students can attend up to six years in order to attain an Advanced Level ('A' Level) certificate. It is possible to terminate studies after four years of secondary schooling at which point a student can obtain an Ordinary Level ('O' Level) certificate if he/she is successful in the examinations. It is also possible for students to attend secondary school for only two years and obtain a Zimbabwe Junior Certificate in Education (ZJC). However, because of the inflation of educational qualifications necessary for entry into any professional, vocational or technical training course, the ZJC is increasingly becoming redundant as an educational qualification. Most training programmes admit students with good "0' and 'A' level qualifications.

University enrolment for degree study normally requires at least two 'A' level passes but the inflation in educational qualifications which has resulted from pressure on too few places by too many qualified students has necessitated achievement at very high level in 'A' levels if a student is to be admitted for degree study. For instance, more than 12 000 students wrote A level examinations in 1994 and applied for admission at the University of Zimbabwe in 1995. Only 2 000 students were accepted. Many students with good passes were turned down.

TABLE 9
ENROLMENT BY GENDER IN PRIMARY SCHOOL : 1981 - 1994

YEAR	FEMALE	MALE	TOTAL	% FEMALE
1981	821 485	893 515	1 715 000	47.9
1982	915 360	991 640	1 907 000	48.0
1983	983 164	1 060 836	2 044 000	48.1
1984	1 029 756	1 102 244	2 132 000	48.3
1985	1 074 760	1 141 240	2 216 000	48.5
1986	1 105 369	1 159 731	2 265 100	48.8
1987	1 105 389	1 106 911	2 251 300	49.1
1988	1 088 353	1 123 747	2 212 100	49.2
1989	1 105 484	1 127 816	2 233 300	49.5
1990	-	-	-	-
1991	-	-	-	-
1992	-	-	2 383 147	-
1993	-	-	2 404 941	-
1994	-	-	2 476 575	-

Source : Ministry of Education and Culture

4. Table 9 shows the enrolments in primary school by sex between 1981 and 1994. Tables 1 and 2 of Annexure show primary school enrolment by gender and grade and percentage enrolment respectively for the period 1990-1994. Primary school enrolment rose between 1979 and 1989 with a 161% increase in numbers of male pupils and a 1[illegible]% increase in the numbers of female pupils. By 1989, there were equal numbers of male and female pupils in primary school although the numbers of dropouts amongst females remained higher than those amongst male pupils. It is important to note that the dropout rates for both males and females are very high in the early as well as the final years of primary school. There is a large drop in the numbers of pupils who graduate from primary school and this in turn affects the enrolment of pupils in secondary school.

Apart from the high dropout rates in grade 7 the smaller numbers of girls in secondary schools are partly a result of lack of funds for levies and other school-related expenses, pregnancy amongst girls and parental preference for and prioritization of boys education over that of girls. The Ministry of Education and Culture has a stringent policy regarding teacher/pupil relationships and a teacher faces severe punishment where he

is involved in such a relationship (e.g. suspension for a certain period and/or demotion where the girl is under 16 years, this is coupled with criminal sanctions). The girl involved is allowed an opportunity to pursue her education.

In secondary schools, fees are levied and this contributes to the erosion of the numbers of boys and girls entering secondary school. Since independence, secondary school enrolments have increased tenfold but there is still a 50% enrolment of secondary school pupils in the 12 to 16 years age group. The male to female ratio in secondary school indicates that there are stronger barriers to the enrolment of girls than boys in secondary schools. See Tables 3 and 4 of Annexure.

In secondary school, the dropout rates for both boys and girls are much lower than those in primary school. It is only after four years of secondary school that massive reductions in enrolment into the sixth form are experienced. This is due to the fact that after ordinary level, it is possible for students to go into vocational and technical training. Tables 5 to 7 of Annexure show the dropout rates for primary and secondary schools.

At "A" level, the ratio of boys to girls is about 2 to 1 as per Tables 8 and 9 of Annexure, but there is not as high as a differential in performance as there is at "O" level. There is no significant difference in the proportions of boys and girls who pass two or more subjects to obtain an "A" level certificate. However, there is a difference in the subject performance with boys achieving a higher percentage of passes than girls in science, mathematics, history and geography.

5. In university and tertiary education, the proportions of women in the total enrolment are even smaller than similar ones in secondary school. In tertiary education, enrolments increased eightfold between 1980 and 1990 with about 48% of the students enrolled in the technical areas. Table 10 shows women's enrolment in teacher, university and technical education. It must be noted that the classification "technical" includes typing and secretarial training and this gives an inaccurate picture of the actual numbers of pupils in the 'hard' areas. In agricultural training, women comprise 33% of the trainees while in other areas, the percentages of women are much lower. On average, the male to female ratio is 4 to 1 at the universities.

With the recently introduced affirmative action policy for female enrolment at the University of Zimbabwe, there was a significant increase in the intake of female students this year. 35 percent of the first-year students are female, compared to about 25 per cent in previous years. Please note however, that most of the female students who applied for admission qualified in their own right and did not benefit from the affirmative action.

The Ministry of Agriculture has also adopted a policy of affirmative action at its agricultural colleges. It is the Ministry's policy that at least 25 percent of the intake at each college should be female students. However, the numbers fluctuate from year to year depending on the number of applications received. For an example, Table 10 below shows the number of female students at one of the colleges for the period 1990 to 1994.

TABLE 10
NUMBER OF FEMALE STUDENTS AT CHIBERO AGRICULTURAL COLLEGE : 1990 - 1994

YEAR	FEMALE	MALE	TOTAL	% FEMALE
1990	18	40	68	24.47
1991	23	45	68	33.82
1992	8	30	38	21.05
1993	11	29	40	27.5
1994	7	23	30	23.33

Source : Ministry of Agriculture

TABLE 11
FEMALE PARTICIPATION IN HIGHER EDUCATION

TEACHER EDUCATION				UNIVERSITY EDUCATION			TECHNICAL AND VOCATIONAL EDUCATION		
YEAR	FEMALE	TOTAL	%	FEMALE	TOTAL	%	FEMALE	TOTAL	%
79	1,587	3,082	51.49	508	1,941	26.17			
80	1,528	2,829	54.01	494	2,240	22.05			
81	1,726	3,610	47.81	569	2,525	22.53	DATA	FOR	THESE
82	2,142	4,873	43.96	680	3,091	22.0	YEARS	ARE	NOT
83	2,646	6,502	40.7	805	3,620	22.24		AVAIL-	ABLE
84	3,177	7,734	41.08	933	4,131	22.59			
85	2,496	5,513	45.27	1,110	4,742	23.41			
86	3,607	8,649	41.70	1.400	5,886	23.79			
87	5,455	14,450	37.75	1,676	6,873	24.39			
88	7,003	16,167	43.32	1,930	7,699	25.07			
89	6,713	16,231	41.36	2,235	9,288	24.06	3,595	9,385	38.31
90	7,032	16,179	43.46	2,194	9,017	24.33	2,660	10,664	24.94
91	6,037	13,492	44.75	2,140	8,635	24.78	3,717	12,684	29.30
92	6,377	14,069	45.33	2,135	8,456	25.25	3,277	11,846	27.66
93	7,563	15,891	47,59	1,927	7,231	26,65	3,250	12,856	25,28
94	7,876	16,212	48,58	1,892	7,199	26,28	3,553	13,443	26,43
TOTAL	72, 929	165,483	44,07	22,628	92,574	24,44	20,052	70,878	28,29

Source : Ministry of Higher Education and University of Zimbabwe

Please note that the figures given in respect of university education are for the University of Zimbabwe, the largest of four universities in the country. Figures will be provided for two other universities.

TABLE 12

ENROLMENT AT THE UNIVERSITY OF ZIMBABWE BY FACULTY AND GENDER : 1991 to 1994

	1991				1992				1993				1994			
FACULTY	Male	Female	Total	Female %	Male	Female	Total	Female %	Male	Female	Total	Female %	Male	Female	Total	Female %
Agriculture	278	61	339	17.99	310	76	388	20.10	235	68	303	22.44	300	59	359	16.43
Arts	694	486	1,180	41.19	867	464	1,331	34.86	775	419	1 194	35.09	754	311	1 065	29.20
Commerce	569	486	762	25.33	734	278	1,012	27.47	357	145	502	28.88	437	190	627	30.30
Education	253	165	418	39.47	569	214	783	27.33	486	194	680	28.53	587	293	880	33.30
Engineering	660	14	674	2.08	942	27	969	2.79	621	22	643	3.42	612	23	635	3.62
Law	238	119	357	33.33	217	99	316	31.33	192	83	275	30.18	161	77	238	32.35
Medicine	519	233	752	30.98	568	274	842	32.54	534	302	836	36.12	589	326	915	35.63
Science	592	131	723	18.12	708	184	892	20.63	621	163	784	20.79	729	172	901	19.09
Soc. Science	1,236	534	1,772	30.14	1,175	539	1,714	31.45	1 014	441	1 455	30.31	922	402	1 324	30.36
Vet. Science	125	19	144	13.15	120	18	138	13.04	111	18	129	13.95	109	26	135	19.26
B. Tech	859	185	1,044	17.72					358	72	430	16.74	105	11	116	9.48
TOTAL	6,025	2,140	8,165	26.21	6,210	2,175	8,385	25.94	5 304	1 927	7 231	26.65	5 307	1 892	7 199	26.28

Source : University of Zimbabwe

/....

TABLE 13
NUMBER OF STUDENTS BY GENDER AND FACULTY AT THE NATIONAL UNIVERSITY OF SCIENCE AND TECHNOLOGY FOR THE PERIOD AUGUST, 1994 - FEBRUARY, 1995
(*PLEASE NOTE THAT FIGURES COVER 1ST YEAR TO 4TH YEAR STUDENTS*)

FACULTY	MALE	FEMALE	TOTAL	%FEMALE
1. **Applied Sciences**				
Biology	61	36	97	37.11
Chemistry	80	13	93	13.98
Computers	58	3	61	4.92
Mathematics	67	8	75	10.67
Physics	65	4	69	5.79
TOTAL	**331**	**64**	**395**	**16.20**
2. **Commerce**				
Accounting	123	23	146	15.75
Banking	38	22	60	36.67
Business Management	72	19	91	20.88
Finance	70	24	94	25.53
Insurance	43	12	55	21.82
TOTAL	**346**	**100**	**446**	**22.42**
3. **Industrial Technology**				
Electronics	162	7	169	4.14
Industrial Engineering	70	1	71	1.41
Civil and Water	36	2	38	5.26
TOTAL	**267**	**10**	**277**	**3.61**
GRAND TOTAL	**944**	**174**	**1 118**	**15.56**

Source : National University of Science and Technology

TABLE 14
NUMBER OF STUDENTS BY GENDER AND FACULTY AT AFRICA UNIVERSITY FOR THE PERIOD 1993 - 1994

FACULTY	YEAR							
	1993				1994			
	MALE	FEMALE	TOTAL	%FEMALE	MALE	FEMALE	TOTAL	% FEMALE
Agriculture	32	13	45	28.86	38	18	56	32.14
Theology	15	4	19	21.05	24	5	29	17.24
TOTAL	**47**	**17**	**64**	**26.56**	**52**	**23**	**75**	**30.67**

Source : Africa University. Please note that the university caters for the region and a large number students come from other countries in the region

6. The information given above points to the continuing inequality in educational opportunities between men and women in Zimbabwe. This is also demonstrated by Tables 10 and 11 of Annexure, which show the overall percent distribution of the population by school attendance and sex. There is room for more intervention and change with regard to enrolment, achievement and channelling of subject choices in secondary schools. There is need to put in place effective measures to reduce, and eventually to eliminate the dropout rate in primary and secondary education, especially with regard to girls.

Government has made an effort to assist the economically disadvantaged children by offering financial support through the Social Development Fund. Students entering public universities and colleges are given loans and grants. Some non-governmental organizations and donor agencies have tried to help by giving scholarships to girls who are promising academically but have no money to pay for their fees. There are a few other scholarships on offer but they are not specifically for girls but for high achieving pupils in financial need.

There have been some initiatives to give girls some advantages over their male counterparts as a way of dealing with problem of inequality within the education system. Most "A" level schools are now co-educational and Government policy has been to implement affirmative action for female students going to "A" level. There is a lower entry level for girls and this has resulted in the present 1 to 3 ratio between boys and girls in sixth form. This ratio would be even less favourable to girls without this affirmative action policy for girls. However, Government policy is really for every child to go to school, regardless of sex. This should eliminate any disparities between girls and boys.

The Ministry of Education has tried, through legislation and directives, to equalize education by making primary schooling free and compulsory. This helped initially by making it possible for more and poorer children to attend primary school although the dropout rate is still high as mentioned earlier. As moves towards cost recovery have become institutionalised with the deepening of the economic crisis in the late eighties and the nineties, it has become increasingly difficult to ensure enrolment and attendance by children whose parents cannot afford to pay even the low levies and general purpose contributions. After 1987, it became difficult to enforce compulsory school attendance. After 1991, fees were reintroduced in urban primary schools so the possibility of compelling attendance fell away. Rural primary schools are still compulsory since no fees are payable, except for levies. However, there is no mechanism for policing attendance hence the continued dropouts.

The Department of Social Welfare in the Ministry of Public Service, Labour and Social Welfare disburses funds from the Social Dimensions Fund to deserving pupils who apply for assistance in the payment of school and examination fees. Fees are paid in respect of children whose parents earn $400 per month or less (this threshold is no longer realistic). In 1994 the Department assisted 188 230 pupils with $32 591 455 for school fees and 52 596 pupils with a further $8 970 014 for examination fees. It is anticipated that this year (1995) more than $40 000 000 for school and examination fees will be disbursed.

Without effective mechanisms, the gender imbalances that have been noted at all levels of the education system will continue and in turn the imbalances will register at the technical, professional and managerial levels in the private and public sector. As it is, the majority of educated women work in the public sector in the health and education fields which have traditionally employed black women in Zimbabwe.

7. At present, the staffing of schools at primary and secondary schools tends to be male-dominated except for the infant grades which are largely taught by women. Table 15 below shows the percentage composition of teacners by gender in primary and secondary schools between 1980 and 1991. This tends to reinforce the sexual divisions of roles and work that exist since boys and girls internalise the existing role organisations in schools, training colleges and universities.

TABLE 15
PERCENTAGE COMPOSITION OF TEACHERS IN PRIMARY AND SECONDARY SCHOOLS BY GENDER FROM 1981 - 1994

	PRIMARY SCHOOLS			SECONDARY SCHOOLS		
YEAR	MALE	FEMALE	TOTAL	MALE	FEMALE	TOTAL
1981	62	38	37773	63	37	4 874
1982	60	40	45467	68	32	6 033
1983	60	40	52498	68	32	8 808
1984	58	42	54086	70	30	14 718
1985	57	43	56691	70	30	17 315
1986	57	43	58257	71	29	19 487
1987	58	42	57120	72	28	21 981
1988	60	40	57762	74	26	23 598
1989	60	40	58 370	71	29	24 549
1990	61	39	60 886	71	29	27 332
1991	60	40	58 436	68	32	25 204
1992	-	-	- -	-		
1993	58	42	61 506	67	33	24 007
1994	58	42	56 305	60	40	25 983

Source : Ministry of Education (Please note that the figures include untrained and temporary teachers and figures as a result fluctuate from year to year depending on their demand).

The overall teacher/pupil ratio at primary school for 1992, 1993 and 1994 and 37.84, 38.88 and 45.41 respectively, while those for secondary school for the same period are 28.28, 26.64 and 25.41 respectively. These ratios obviously affect pupils by gender and class since at primary schools where girls particularly poor ones are more likely to be represented, the teacher pupil ratios are very high thus diminishing the chances of pupils getting more and high quality attention from heavily burdened teachers. These ratios tend to improve in secondary schools where girls, particularly the poorer ones are less likely to be represented giving an additional advantage in education to those pupils who continue into sixth form.

There are private schools some of which are mission schools run by religious denominations. These schools are also stratified by class and they used to be racially differentiated with the most exclusive ones catering for white children and the rest catering for black children. These schools also have a stratified fee structure depending on which income groups they service. They are able to charge fees depending on whether they are board-

ing or day schools and they attract the children of parents with middle and high incomes. These schools offer both primary and secondary school education and a few of them are exclusive by sex. Most of the government schools are co-educational while private schools are more sex differentiated.

Schools tend to stream students according to their performance at specific levels of schooling. Most of the academic streams are dominated by boys particularly in secondary schools where the high achieving boys and the few girls study specialized sciences, mathematics, history and geography while the low achievers are channelled into the more practical and vocational subjects such as cookery and fashion and fabrics, wood and metal work. Some schools are more traditional than others and have very little or no specialized equipment thus can offer only the taught courses which do not require specialized equipment. The schools that are better equipped enable the pupils to pursue a wide array of subjects whereas the poorer schools which the bulk of the secondary school-going girls attend tend to be day schools with poor equipment and endowments. This also differentiates the girls since those who go to better equipped schools tend to be able to venture into non-traditional subjects in which boys predominate.

Thus, the differentiation of schools by sex does not necessarily disadvantage females in terms of achievement but might do so only if the school is of poor quality in terms of staffing, equipment and general endowment.

8. The Ministry of Higher Education has implemented a policy to encourage females to go into technical and scientific areas as students and lecturers by admitting all female applications who meet the basic qualifications for entry into these fields. The boys have to enter on a more competitive basis since they dominate these studies already. There is also a policy of ensuring that women are promoted to heads of division in all departments where capable women exist in training colleges. To this end, all colleges and institutions of higher education have been asked to prepare a list of all women staff in colleges and to indicate their positions with a view to developing them in the technical and scientific areas as a way of providing role models for women and to sensitise society on the capabilities of women in all skill areas.

Previously, pregnant students at colleges (except university) were required to withdraw from their courses. The position has now changed. Pregnant students in training colleges, except the university, are requested to withdraw until they have delivered their children and they are allowed to come back to resume their studies. It may be necessary to allow them to continue with their studies (as is the case with university students) instead of requesting them to discontinue or withdraw from the course only to resume their studies in the new year after delivery. The current position disadvantages pregnant students as often times they withdraw during the course of an academic year and have to repeat that year on resumption of their studies after delivery.

9. For those people who miss out on schooling or those who were disadvantaged and were unable to acquire an education, there is the option of non-formal and adult education. This sector of the education system focuses on providing and increasing functional literacy mass and distance education to groups such as ex-combatants, refugees and poor illiterate adults in rural and urban areas. 85% of the adult learners are women.

By 1988, this programme had reached 255 000 people. The adult literacy and mass education programme and the Zimbabwe Adult Basic Education Course aim at giving the young and adult learners literacy, numeracy and functional skills which serve to expand

their capacities for personal development and more meaningful socio-economic contribution.

10. Male and female students have the same opportunities to participate actively in sports and physical education. Schools, colleges and universities have or have access to sporting facilities, which all students should have access to, but rural schools have fewer and the poorest facilities. There is also a tendency that more financial support is channelled to male-dominated sport, such as soccer and rugby, at the expense of such female-dominated sport like netball.

In schools sports and physical education are normally compulsory while at colleges and universities they are optional and it is up to the students to take up these activities.

11. At primary school level, there is a need to improve the quality of educational facilities in the poorer schools and to foster conditions that are conducive to sending and keeping girls in primary school. At secondary school level, it is important to mobilise communities within as well as outside the schools and to sensitise them to the benefits accruing from the education of girls in particular. There is a need to further develop and publicise the less expensive options for secondary school education and to adapt them for girls whose parents are not able to finance them throughsecondary school. Secondary school curricular need to be more vocational in the direction of technical and scientific study to enable more girls to encounter and aquaint themselves with applied sciences before they leave secondary school. This will enable more girls to take up training courses in the different institutions that focus on technical and scientific studies.

At 'A' level and at college and university level, there is need for more focused counselling and career advice so as to encourage more girls to enrol for diplomas or degrees in non-traditional areas such as engineering, medicine, veterinary and science. Staff seminars and continuing education programmes could be put in place to sensitise staff and students to the ways in which educational institutions undermine women's confidence and efforts within as well as outside classrooms.

ARTICLE 11

ELIMINATION OF DISCRIMINATION AGAINST WOMEN IN THE FIELD OF EMPLOYMENT

1. It has already been stated under Article 1 that there are different enactments governing the private sector and the public service. The private sector is governed by the Labour Relations Act while the Public Service is governed by the Constitution, a number of regulations and several Acts of Parliament. Although employees are governed by different enactments according to the sectors that they serve, those different Acts have in common the spirit of non-discrimination on grounds of, among others, sex. The enactments seek to achieve equality of men and women in the area of employment. Under Article 1, the provisions of the Labour Relations Act on non-discrimination were discussed.

There have been allegations that women are still discriminated against in job interviews and promotions. However, such allegations are difficult to prove. There are also allega-

tions of sexual harassment and sex for favours in the workplaces. Similarly, these allegations are difficult to prove. It is the duty of the Department of Labour Relations or, in the case of civil servants, the Public Service Commission to investigate such allegations.

Unfortunately the investigations rarely prove any wrong-doing although the possibility of such wrong-doing occurring cannot be ruled out. Independent researches have been carried out by some NGOs and private researchers and these tend to reveal that discrimination against women and sexual harassment are common in the work places. The Department of Labour Relations has conceded that such practices most likely occur but are very difficult to detect or prove. The department does not, however, have any meaningful documented information on this. Perhaps there is need for a comprehensive study in both the Public and Private Sectors to see the extent of sexual harassment and equal opportunities in the workplaces.

(a) While it is Government policy that every person, regardless of sex, race, place of origin, etc, should be employed, in reality this cannot be achieved. Unemployment is a major problem in Zimbabwe and at present it is not possible to realise the right to work as an inalienable right of all human beings and it is not a right that is entrenched in our law.

(b) As has already been stated, there is no law in Zimbabwe that prevents a woman from taking up employment or pursuing a profession she desires and men and women are entitled to the same employment opportunities. However, statistics show that women tend to be concentrated in professions that reflect their roles as mothers and childcarers and that pay the lowest income. Not many women are in the technical and professional skill areas and there are not many female skilled workers. As a result men and women do not in reality enjoy the same employment opportunities. The sectors women are concentrated in tend to be the lower income ones, such as in the domestic and agricultural sectors as communal farmers.

Some industries tend to discriminate against women when it comes to the performance of certain jobs. For instance, in the textile industry they do not do night shifts and in mining they do not do underground work. The labour laws allows this as long as it is in the interests of the women themselves; special conditions for female employees may be provided. Please refer to Article 1 where this issue was discussed. Some interest groups however, still view this as discrimination which must be done away with.

In addition, business women's enterprises both in the formal and informal sectors in Zimbabwe tend to be concentrated in traditional areas such as dressmaking, knitting, crocheting, vending and hairdressing.

In the formal sector, many women are employed as part-time or contract workers, such as in food, chemical, clothing and agricultural industries. Because they are not permanent employees, such women do not have labour benefits such as sick or maternity leave, pension or bonus like other workers. Because of the nature of their employment conditions, employers prefer contract workers as they are cheaper to hire and easier to dismiss. It is difficult under the Labour Relations Act to fire a permanent employee as an application must be made to the Ministry of Public Service, Labour and Social Welfare and there has to be a hearing.

In terms of the Labour Relations Act and regulations governing the Public Service, women can now get equal pay for equal work with men. Section 5 (1) of the Act makes it an offence for an employer to discriminate against an employee on the ground of sex in relation to the determination or allocation of wages, salaries, pensions, accommodation, transfer, promotion or retrenchment. Men and women must be treated equally in these regards. Zimbabwe has acceded to ILO Convention (No. 100) Equal Remuneration, 1951 and it implements the provisions of this Convention.

An important and often ignored category of workers is that of domestic workers. Women make up the larger percentage of this workforce. There are about 105 000 domestic workers in Zimbabwe, of which 55 percent are female. The labour laws state the number of hours domestic workers are supposed to work, overtime payments, meal breaks they can take, leave days and the fact that they are entitled to accommodation from their employer or an allowance. However, few employers follow these regulations. They are paid low wages, fired at the employer's will, expected to work late into the night and sleep only when the employer's family has gone to sleep. Few ever get maternity benefits and many are fired when they fall pregnant. In some cases they are relatives of the employer and as a result are lowly paid and sometimes not paid at all as they are seen as part of the family. In most cases, the employer will consider herself or himself as doing the relative a favour.

Although there is a union that caters for and safeguards the interests of domestic workers, the Zimbabwe Domestic and Allied Workers Union (ZDAWU), the abuse of domestic workers is still rampant. The union faces a lot of problems in trying to enforce the domestic workers' rights as the employers are unco-operative or even hostile as they hate trade unions and in many cases the workers themselves with hold information on abuse for fear of losing their jobs. According to ZDAWU some of its members are victimised by their employers if they report to it that their rights have been violated.

There is no employment council as the employers themselves are not organised and are reluctant to form an employment council. There is an employment board but it has a number of disadvantages. For instance, the Minister of Public Service, Labour and Social Welfare has the final say after the employment board has made recommendations.

There is yet another section of the female population which is not adequately provided for by the labour laws. That is women in the informal sector, which generates employment and income for a lot of women. According to the 1986-87 labour force survey, 231 000 people were in the informal sector and 64% of these people were female. Care must be taken in interpreting these figures as most women including professional women, are also involved in the informal sector to argument their salaries. This number has most likely increased as unemployment has risen and the structural adjustment program taken its toll.

Women in the informal sector are largely unprotected. They work long unregulated hours, rarely go on leave or vacation, have unpaid maternity leave, etc. They do not enjoy the benefit of the labour laws which their counterparts in the formal sector enjoy.

Survey results also indicated that the wages in the domestic and agricultural sec-

tors are the lowest to date and this affects women since these are the two major sectors in which they are traditionally employed for wages. Further, workers in the domestic,agricultural and informal sectors are the only ones who are not yet covered by any workers compensation, pension or benefit scheme.

(e) Women in the agricultural and industrial duties are exposed to chemical and physical hazards. In a study analysis by the Drug and Toxicology Information Service, Department of Pharmacy at the University of Zimbabwe, of the 6 018 patients admitted with acute poisoning between 1980 and 1989 in the 6 main hospitals of Zimbabwe 47.4% (2 853) were females.

There are enactments and regulations governing measures relating to safe and healthy working conditions and these include the Factories and Works Act, Pneumoconiosis Act, Public Health Act, Mines and Minerals Act, Hazardous Substances Act and Statutory Instrument 68 of 1990 (Accident Prevention and Workers Compensation Scheme). Under these enactments employers are required to maintain a healthy and safe working environment at workplaces.

The Labour Relations Act also permits for the provision of special conditions for females and these special conditions for females are not considered as discrimination. For instance, regulations under the Act may allow for the employment of pregnant women in specific types of work or at specific times.

(f) In 1989 Government created a parastatal, the National Social Security Authority (NSSA) through an Act of Parliament for the purpose of establishing social security schemes. The Authority has been tasked with the creation of a comprehensive social security system in Zimbabwe. It has to establish and administer social security schemes that provide meaningful benefits to the labour force and their dependents.

Male and female employees will be entitled to social security in the event of old age retirement, unemployment, work-related invalidity or disability, etc. The benefits will also ensure security for the workers' families.

In the Public Service there is a contributory pension scheme in terms of which both male and female employees contribute a certain percentage of their monthly salaries. The pension is paid to them as part of their terminal benefits when they leave the Public Service. The Public Service also runs a medical and dental aid scheme, the Public Service Medical Aid Scheme, and employees in the Public Service are free to join the scheme and contribute monthly premiums.

In the private sector many companies have pension and medical aid schemes as well. The companies either tun the pensions scheme themselves or they arrange one with established insurance companies. Some industries, companies and parastatals such as the mining industry, National Railways of Zimbabwe, etc, have very large pension funds from which their employees, both male and female, and their spouses and children benefit.

Employees are also free to arrange for pension policies and medical aid with private insurance companies and medical aid schemes.

2. (a) Women are entitled to paid maternity leave, though not on full pay. The law does not permit discrimination against women on grounds of marriage or

maternity. Dismissals on grounds of pregnancy or maternity leave and discrimination in dismissals on the basis of marital status are unlawful and subject to penal sanctions.

(b) The Labour Relations Act and the Public Service (General Leave) Regulations, 1978 enable a female worker to go on maternity leave for 90 days without adverse effects to her salary, promotion and pension rights. The percentage of the salary which she is entitled to while on maternity leave depends on whether she had vacation leave due to her from the previous six months and whether she wishes to forfeit such leave. If she agrees to forfeit the vacation leave she is entitled to at least 75% of her normal pay, if not she is entitled to at least 60%. The maximum period of maternity leave may be extended beyond the normal 90 days but without pay. Employers are free to set even more favourable conditions.

However, the enactments limit the number of times a woman can go on maternity leave on benefits with the same employer to only three times. In addition, a woman cannot take paid maternity leave twice within two years. In terms of the Public Service (General Leave) Regulations sick leave which is occasioned by or a direct result of pregnancy shall be granted without pay unless the Public Service Commission otherwise approves. This tends to encroach on a woman's right to her sexuality and reproduction.

A female employee who is a mother of a suckling infant shall, during each working day, be granted at her request at least an hour or two half-hour breaks to nurse her child during normal working hours. She may combine the portion(s) of time to which she is entitled with any other normal breaks so as to constitute longer periods that she may find necessary or convenient for the purpose of nursing her child. Since a mother cannot bring her child to work, she has the right to go home and feed her baby. This right is, however, not absolute. An employer can turn down a request for breaks at certain times in order to ensure that normal production is not disrupted. The public transport situation is not good enough and many residential areas are quite a distance from the workplaces so that most low-income women cannot possibly manage to get to their homes and breastfeed their babies and be back at work within an hour. The female employee is entitled to this benefit (nursing the child) for the period during which she actually nurses her child or six months, whichever is the lesser. There may be need to review this position so that longer periods for breast feeding are allowed to make this benefit more meaningful. Those employed in the informal sector, casual employees and domestic employees rarely enjoy this benefit and they are normally dismissed once they fall pregnant or get married. They largely remain unprotected.

(c) Work-places in Zimbabwe lack crèches or child care facilities and working mothers have to rely on maids or relatives to look after their children while they are at work. As a result, women are forced to stay away from work to nurse their babies or when their children are sick. In so doing, they run the danger of minimising their chances of promotion or advancement or of losing their jobs. As a result of the tough economic situation, women may be wary of taking advantage of their benefits under the labour laws.

3. Labour laws need to be reviewed and unified as currently workers do not have the same rights. Private sector workers tend to have more rights than their fellow workers in the public sector. One such example is the right to strike, which workers in the private sector enjoy but those in the public service do not enjoy. The government is currently studying the possibility of harmonising labour laws.

ARTICLE 12

ELIMINATION OF DISCRIMINATION AGAINST WOMEN IN THE FIELD OF HEALTH

1. The Government has provided information on the physical and mental health of the population in several publications to the United Nations through UNICEF and the World Health Organisation, i.e. :-

- Children and Women in Zimbabwe - A Situation Analysis
- Children and Women in Zimbabwe - A Situation Analysis Update July 1985 - July 1990. UNICEF and Republic of Zimbabwe
- Zimbabwe National Programme of Action for Children - Our Second Decade of Development, Harare 1992.

Zimbabwe has a national health policy outlined in the Ministry of Health and Child Welfare publication, "Planning for Equity in Health - A Sectoral Review and Policy Statement, HARARE, 1994". The policy is in line with WHO's goal of "Health for All by the Year 2000" and the publication outlines how this goal is sought to be achieved.

2. The Primary Health Care Approach has been adopted as part of the health policy of Zimbabwe. The approach coincides with the country's desire for social justice through the redressing of the inequalities inherited from the colonial past. The following measures have been taken to implement Primary Health Care thereby reducing some of the gross disparities between particularly the rural (where women dominate) and urban populations of the country.

(a) Accessibility to Health Services - an extensive construction and upgrading of rural health facilities is being undertaken to ensure that the sick do not have to walk for long distances over 8kilometres to reach a health facility. In addition to all the other health facility provision endeavours the Government through Phases I and II of the Family Health Projects is undertaking the construction and upgrading of 240 District Hospitals and 133 clinics. Tables 12 and 13 of the Annexure show the distribution of health facilities in the country, the number of people per facility and the number of people per hospital bed.

(b) Affordability of the services to the people - free medical care was introduced for those earning Z$150,00 per month at independence and the threshold was raised to Z$400,00 per month in 1992.

However, the threshold is no longer realistic. With effect from 1 March 1995, rural clinics and health centres will not charge for any services regardless of the status of the patient. This should greatly benefit the predominantly rural population.

An essential drugs list was adopted to ensure that the cost of the drugs to the country is affordable while at the same time meeting the population's need for the drugs that are essential.

(c) Acceptability of the services to the people for whom the services are provided :-

- Decentralisation of the planning process to encourage community participation enables, to some extent, the incorporation of the people's wishes in the establishment and running of the health services serving them.

- Communities select one of their own members to work among them in health promotion activities who is the link between the communities and the health services.

- There are today, about 9 000 trained Village Community Workers, also operating as health workers, and about 1 000 Farm Health Workers serving the commercial farming communities.

- Traditional midwives skills have been upgraded with emphasis on hygiene and referral or women at risk to clinics and hospitals. More than 30 000 midwives have been upgraded.

(d) Appropriateness of the Services to the needs of the People - doing away with the mainly curative health services established by the colonial administration which served the interests of the minority urban section of the society and ignored the majority rural population who suffer and die from poverty related diseases.

Women's access to health improved appreciably since independence. Life expectancy at birth for women stands at 61.4 for women and 59.6 for men. There are indications that life expectancy at other ages is higher for women than for men. The natural growth rate per thousand people is 25.5 and the population growth is 3.14 percent, with fertility per woman running at 5.91. The mortality rate was 9.49 per thousand people.

The 1992 census estimated that the infant mortality at 66 deaths per livebirths in 1990. The rate was generally higher for males than for females. It was also higher in rural than in urban areas. The level of infant mortality seems to indicate a decline with increasing level of education of mothers. Generally, the level of mortality has declined during the period 1978 - 1990.

The maternal mortality rate was estimated in the census to be 395 deaths from maternal causes per 100 000 live births. The infant mortality rate is 66 deaths per 1 000 live births while the child mortality rate (1 - 4 years) is 26 deaths per 1 000 children.

The 1992 census has given the indication that the mortality rates of rural women tends to be higher than those of urban areas. For the reasons given, above no specific statistics can be given.

Family Planning is encouraged through education and ensuring availability to all in order to safeguard the lives of the women by preventing women from having children when they are too young to have them, from having too many children, too frequently and when they are too old to have them.

This is done by the Ministry of Health through the Zimbabwe National Family Planning Council (ZNFPC), which was set up in terms of an Act of Parliament in 1985. Family planning awareness has now also been extended to men, with the aim of motivating the men who hitherto have not been very much involved. There is also a youth awareness programme. The ZNFPC clinics also provide contraceptives free, especially to women who cannot afford them so that they are accessible and available to as many women (and men) as possible.

According to a report by the Ministry of Health the most commonest causes of morbidity in Zimbabwe are communicable diseases, nutritional deficiencies, complications of pregnancy and malignancies. The common illnesses for women are those secondary to poor living and working environment, in adequate diets and poor social conditions. Examples of common illnesses are respiratory tract infections, gastric and intestinal infections, under-nutrition, STDs and malaria.

Figures for STDs and AIDS are give below. Please note though that figures for STD are not collected by gender.

2. Despite the fact that women live longer than men, they face higher risks of ill-health and mortality in the maternal period. In 1987, the maternal mortality rate was estimated at 87 per hundred thousand live births, a 41% decline on the 1980 figure of 145 per thousand live births. However, this rate might be an underestimate since it is based on data collected in health institutions thus including referral biases away from higher risks groups who might not have access to or use of these health facilities. In rural areas, the maternal mortality rate might be higher than the given estimate. Please refer also to Tables 14 to 17 of Annexure for detailed and recent figures on life expectancy and mortality rates for women and children.

The women of child-bearing age and children under the age of five years were shown to shoulder the heaviest burden of ill health in the country leading to the establishment of the Maternal and Child Health and Family Planning department in the Ministry of Health. The department's task is to ensure that Family Planning, antenatal, post-natal immunisation, proper nutrition, rehabilitation child care and hygiene are available to all the mothers and children in the country through health education.

The training of health personnel has been restructured to reflect the conditions which afflict the majority of the people and includes community attachments for all students during their training. The National AIDS Co-ordination Programme (NACP) has been established to come up with a policy and plan for combating the spread of the HIV, AIDS and STD. To combat the worsening situation of AIDS and STD the NACP's AIDS/STD intervention activities focussed on education, counselling and behavioural change and care in 1994. 1994 was the first year of the Second Medium Term Plan (1994-1998) for AIDS/STD prevention, control and care.

During the same year a number of programmes on AIDS targeted at women were initiated in collaboration with major women organisations. The National Programmes on Family Health in the prevention and control of AIDS was developed and following this specific action plans for training of trainers have been developed by different women's organisations. This and other women's programmes on AIDS need to be strengthened in 1995.

The Ministry of Health's Maternal and Child Health Survey of September to October, 1991 found that 80% of the country's mothers and children under the age of five years have access to static health facilities and are in the majority of cases attended by trained personnel. Women of child-bearing age and children under the age of five years form 41.5% of the population. It is estimated that the mothers travel on average 5 to 10 kilometres to reach the health facilities. In 1990 the country achieved 80% availability of essential drugs at Rural Health Centres and 90% availability at District Hospitals.

At least 72% of expectant women in the country were attended by trained health personnel in 1991. The proportion is higher because a large proportion of women in the

major towns are attended by private medical practitioners and are not reflected in the national figures. The central hospitals which are situated in the major towns also report erratically. Maternal deaths are not reported separately between those who died before and after child birth but are defined as those women who die as a result of pregnancy up to 6 weeks after delivery.

About 80% of infants have access to trained personnel for care as this is coverage rate for all the antigens against which the infants are immunised. There is no independent data specifically addressing the infants attending health services for illnesses. All immunisations in the country are performed by trained personnel.

The Ministry of Health tries to ensure the early booking of expectant mothers so that they receive medical examinations to detect anaemia and other nutritional deficiencies as well as to ensure :-

- all the safe mother-hood initiatives;
- immunisation of mothers to prevent neo-natal tetanus;
- encouragement for all women to deliver their babies in health facilities under the care of trained health personnel;
- the training of midwives both traditional and conventional;
- the strengthening of the referral system through the provision of ambulances and medical equipment;
- encouragement of breast feeding of children for as long as possible;
- immunisation of all children against the child killer diseases;
- growth monitoring of children to detect stunted growth;
- the supplementary feeding of both children and lactating mothers in periods of food shortages;
- universal post natal examinations;
- the expansion of midwifery training to ensure that each Rural Health Centre has at least one trained midwife acquired with all the safe motherhood initiatives;
- that all Rural Health Centres are equipped to offer maternity service in addition to all the other services available at the primary level of care by the year 2000;
- that all traditional midwives are upgraded;

Women and children's health are closely related to their nutritional statuses and the escalating costs of food and health services could have a negative effect on their health. The AIDS epidemic is an added complication in the health scenario. The statistics on AIDS and STD by age and gender between 1987 and 1994 are shown in tables 16 and 17 below. AIDS is likely to tax women's health even further. It appears that the 15 to 49 age group amongst women is the most vulnerable although the 0 to 4 year olds comprise a sizeable number of the infected population.

While the health of women is an important matter which should be given priority, the number of women managers in the field of health at all, levels of the decision-making process is regrettably, still negligible as shown in Table 14 of Annexure.

TABLE 16
CUMULATIVE AIDS CASES BY AGE GROUP AND GENDER : 1987 TO 1994

AGE GROUP	FEMALE	MALE	UNSPECIFIED	TOTAL
0 - 4	2 594	2 976	39	5 609
5 - 14	170	157	0	327
15 - 19	644	114	5	761
20 - 29	5 992	4 906	24	10 922
30 - 39	4 410	6 995	23	11 438
40 - 49	1 475	3 357	7	4 839
50 - 59	468	1 356	3	1 827
60 +	149	486	3	638
Unspecified	706	1 026	457	2 189
TOTAL	**16 608**	**21 373**	**571**	**38 552**

Source : Ministry of Health (National Public Health Laboratory)

TABLE 17
STD EPISODES BY YEAR : 1986 - 1994

YEAR	URETHRAL DISCHARGE	GENITAL ULCERS	CONJUNC-IVITIS (NEW BORN)	OTHER	TOTAL
1986	-	-	-	-	559 500
1987	-	-	-	-	668 422
1988	-	-	-	-	971 790
1989	-	-	-	-	1 078 293
1990	-	-	-	-	963 436
1991	-	-	-	-	1 240 896
1992	-	-	-	-	878 366
1993	-	-	-	-	885 422
1994					
1st Quarter	59 998	45 199	1592	88 781	195 570
2nd Quarter	60 918	33 513	1663	101 068	197 162
3rd Quarter	59 642	35 935	1746	100 103	197 426
1994 TOTAL	180 558	114 647	5 001	289 952	590 158

Source : Department of Epidemiology : Ministry of Health and Child Welfare

3. In 1994, the Central Statistical Office estimated that at least 97,9 percent of women knew at least one contraceptive method. Table 18 below showsthe percentages of women who knew a method of fertility control, ever used a method and currently using a method. While knowledge does not necessarily correlate to use directly, it does indicate a level of

awareness of the methods and increases the likelihood that those who know about contraception will use it if they need to. There are barriers to use of contraception. These relate to fears that fertility may be endangered and that the contraceptives may negatively affect the health of the women and the children she bears subsequent to use.

TABLE 18
PERCENTAGE OF WOMEN KNOWING A METHOD OF CONTRACEPTION, EVER USER AND CURRENT USER OF METHODS : 1994

	PERCENT WHO KNOW METHOD		PERCENT EVER USED METHOD		PERCENT CURRENTLY USING METHOD	
CONTRACEPTIVE METHOD	ALL	CURRENTLY MARRIED	ALL	CURRENTLY MARRIED	ALL	CURRENTLY MARRIED
Any Method	**97.8**	**98.8**	**61.7**	**79.7**	**35.1**	**48.1**
Modern Method	**97.5**	**98.5**	**56.1**	**72.0**	**31.1**	**42.2**
Pill	96.0	97.9	50.4	66.4	23.6	33.1
IUD	67.6	74.2	1.9	2.7	0.6	1.0
Injection	79.7	87.4	9.5	12.0	2.4	3.2
Implant	13.8	16.1	0.1	0.2	0.1	0.2
Vaginals	21.1	22.0	0.5	0.6	0.0	0.0
Condom	93.7	94.6	20.7	24.4	2.4	2.3
Female Sterilisation	69.7	75.0	1.7	2.3	1.7	2.3
Male Sterilisation	42.5	47.3	0.2	0.2	0.1	0.2
Traditional						
Method	**64.2**	**74.6**	**22.1**	**30.3**	**2.8**	**4.3**
Safe period	33.2	34.4	4.2	5.3	0.2	0.1
Withdrawal	56.8	70.0	20.2	28.0	2.6	4.2
Folkloric Method	**23.3**	**29.4**	**5.7**	**7.4**	**1.2**	**1.7**
Traditional or						
Folkloric Method	67.8	78.4	25.3	34.1	4.0	**6.0**
Number of Women	**6 128**	**3 788**	**6 128**	**3 788**	**6 128**	**3 788**

Source : *Zimbabwe Demographic and Health Survey, 1994 Report, Central Statistical Office*

From a reading of Table 18, it is clear that most women prefer to use pills for contraception. It is also true that this is the most commonly available means of contraception which is relatively unobtrusive and least expensive if obtained from a public facility (apart from the condom) and most amenable to control by women especially in the low income groups. The consent of husbands is not a legal requirement for obtaining any means of contraception although in practice, some health personnel will want a husband's consent especially when women request irreversible procedures such as sterilization. Young unmarried women may also experience difficulties in obtaining contraceptives

from clinics. It is not unusual for health personnel to turn away sexually active school girls requesting contraception on the grounds that the girls are still too young to indulge in sexual intercourse or that they are not married and therefore have no need for contraceptives.

The Zimbabwe National Family Planning Council strives to make family planning services available to all women (as well as men) in the rural as well as the urban areas.

Under the law of Zimbabwe, abortion is illegal except under exceptional circumstances specified in the Termination of Pregnancy Act, 1977, such as when a woman has fallen pregnant as a result of illicit intercourse or when the pregnancy poses a grave risk to the health of the mother.

Women who abort outside the provisions of the Act are liable to prosecution. Despite this legal scenario, women do procure abortions illegally within as well as outside the country. A 1994 Report by the Ministry of Health and Child Welfare estimates that there are between 60 000 and 80 000 abortions annually. Most of them are backyard abortions, resulting in a lot of morbidity and deaths. Haemorrhage and infection after abortion are the major causes of death. Actual figures of women who die or suffer illness as a result of abortions is not easily ascertainable given the illegality surrounding abortion.

Tables 14 to 17 of Annexure give indicators of infant, child and female adult mortality. These have been estimated using both the direct and indirect approaches and are provided in the Zimbabwe National Report on the 1992 Census, prepared by the Central Statistical Office in 1994.

It will be noted from the statistics that the rural areas have a higher mortality than the urban areas. It will also be noted that the level of education of the mother has an impact on the level of infant and child mortality of that particular population. The level of mortality tends to decline with the increasing level of the education of the mother. As the education of the mother increases there is an increased awareness of hygiene, improved diet, prevention of disease through immunisation, etc, which contributes to the reduction of mortality.

An analysis of the 1992 census has shown some indications that both infant and child mortality may have been on the increase since 1988. However, the information collected is not sufficient for the Central Statistical Office to make inferences on the possible reasons for this trend.

ARTICLE 13

ELIMINATION OF DISCRIMINATION AGAINST WOMEN IN OTHER AREAS OF ECONOMIC AND SOCIAL LIFE

1. At present there is no particular scheme for family benefits. However, individuals or families as a whole can get some benefits under some existing general schemes.

In terms of the Social Welfare Assistance Act, 1988 persons in need and their dependants can be granted social welfare assistance. Any destitute or indigent person may apply to the Director of Social Welfare for social welfare assistance. The social welfare assistance comes in the following forms :-

- ☐ financial assistance
- ☐ rehabilitation, institutional nursing, boarding or foster home care
- ☐ counselling services
- ☐ pauper burials
- ☐ supply of food or clothing
- ☐ any other assistance necessary to relieve destitution.

Getting social welfare assistance can, however, be a cumbersome procedure causing great inconvenience and suffering to those in need of the assistance.

Government recently introduced the Poverty Alleviation Action Plan (PAAP) in terms of which institutions will be set up to provide services and support to society's most vulnerable groups, women, children and the poor generally in rural and urban areas and to facilitate their involvement and participation in the productive sectors of the economy. Poverty alleviation is the main goal of PAAP.

There are also benefits in terms of the National Social Security Authority Act, 1989. Please refer to Article 11 where information on this has already been provided.

2. No law prohibits women from acquiring loans from banks or other financial institutions. Both single and married women can, at law, procure loans from financial institutions to purchase houses or other forms of property or for business. Government institutions and companies are as ready toguarantee a woman's loan as they are to guarantee a man's. However, financial institutions are not always willing to grant credit to women without asking for the husband's assistance. Some institutions still insist on the husband's involvement, usually as a guarantor of the loan. There appears to be a general lack of trust of women by the lending institutions especially where the loans are intended for business. The financial institutions appear not to trust that a woman can successfully run a business and pay back the loan. Moreover, few women have the requisite collateral.

Women in Zimbabwe could benefit most if credit institutions were created specifically to assist women. Some institutions, for example, run effective credit schemes for female small scale entrepreneurs and this has enabled women to enter into traditionally male dominated business. Data from the Small Enterprises Development Corporation (SEDCO), a body created by Government by statute to provide financial and management assistance to small-scale enterprises, shows that female clients comprise a small proportion of their loan and management assistance recipients. See Table 19 below.

The Agricultural Finance Corporation (AFC), another body created by Government by statute for purposes of offering loans and other financial support to farmers, established a group lending scheme in 1988, in conjunction with the former Ministry of Community Development and Women's Affairs, with a view to promoting credit facilities to womenfarmers.

Please note though that the Corporation does not practice affirmative action regarding lending to women as such. There are however, more women using the rural financial credit schemes than men. About 60 per cent of women from the smaller holder sector benefit from the group lending scheme offered by the AFC. Table 20 below gives figures on the group lending scheme for the period 1992 to March, 1995.

At the moment there is a pilot project for women funded by the Food Agricultural Organization of the United Nations (FAO), which is looking at giving loans to women in one of the provinces, Mashonaland West.

TABLE 19
NUMBER OF LOANS APPROVED BY SEDCO BY GENDER : 1985 - 1993

YEAR	TOTAL	NO. OF LOANS TO WOMEN	% OF LOANS
1985/86	78	5	6.4
1986/87	115	16	13.9
1987/88	184	17	9.2
1988/89	267	29	10.9
1989/90	188	21	11.2
1990/91	351	26	7.4
1991/92	543	13	2.4
1992/93	395	46	11.6

*Source : SEDCO * Please note that the drop in performance depicted above is attributable to the shortage of funds on the part of SEDCO.*

TABLE 20
NUMBER OF BENEFICIARIES UNDER GROUP LENDING SCHEME : AGRICULTURALFINANCE CORPORATION : 1992 TO 1995

YEAR ENDED MARCH	NUMBER OF BENEFICIARIES			LOANS GRANTED TO TOTAL BENEFICIARIES	
	FEMALE	MALE	% OF WOMEN	NUMBER	VALUE $ZM
1992	1 191	3 220	27	191	4.5
1993	1 911	2 568	43	246	6.6
1994	7 007	10 083	41	1 065	30.6
1995	9 878	15 864	38	1 583	48.0

Source : Agricultural Finance Corporation

Assistance to female entrepreneurs is still small. In addition, it is mainly directed at women in the formal sector. A survey carried in 1990 revealed that most of the women in the informal sector started their businesses with funds from personal savings, loans from family and friends. Only 3% of women in the survey sourced their start up funds from banks and other financial institutions.

To alleviate the problem of lack of finance for their income-generating projects women have started saving clubs as a source of funds for their projects. These saving clubs are an example of grassroots initiatives and self help finance schemes started by women in order to support their income-generating projects since they have difficulties securing loans from financial institutions.
There is a growing shift from focussing on small income generating projects to viable business with a higher rate of return.
About 67% of small scale enterprises in the informal sector are female run. However,

most of them lack entrepreneurial skills and adequate finance and this is hampering their development. Government is trying to assist through, for instance, the promotion of skills training and loan schemes. During the last financial year the Government set aside $400 million for emerging and small businesses. The loans were disbursed through the Credit Guarantee Company and commercial banks at affordable interest rates.

3. Taxation is governed mainly by the Income Tax Act [Chapter 181]. This Act was previously discriminatory and it was amended in 1990 to allow individual tax system for income tax. After the amendment married women are now taxed separately from their husbands and also get rebates as individuals. Prior to the amendment, a married women's income was taxed as part of her husband's income and this tended to prejudice them. As a result, women ended up with little money. Allowances, such as children's allowances, were credited to the man. Children's allowances though are still credited to the father and not to the mother where the parties are married and the woman is not the sole breadwinner. Please note that with effect from the next financial year (April, 1996) these allowances have been scrapped and therefore the question of discrimination will no longer arise.

4. Women, be they single or married, have the same rights as men regarding housing and housing allowances, health, insurance benefits, etc offered by employers as well as regarding other benefits offered by Government. It must be noted, however, that the relevant authorities mainly consider one's income in determining whether one qualifies or not for a house or stand to build one. Although there are schemes for low income earners, those who are unemployed or earn very little are often disadvantaged and this disadvantaged group is composed mainly of women.

5. Everyone has a right to participate in recreational activities, sports and cultural life. Most sport and facilities are to be found in schools, colleges and universities where all students have access to them. These facilities are also available at sports clubs, though normally to club members and their families only. Local authorities also own and manage sports and recreational facilities in their respective local government areas to which all members of the public must have access, regardless of sex, race, tribe, etc. However, these facilities are inadequate and sometimes not properly maintained and thus not many people have access to them.

Government has created a statutory body, the Sports and Recreation Commission, to coordinate, control, develops and foster activities of sport and recreation and to endeavour to ensure that opportunities for sport and recreation are made available to all persons throughout Zimbabwe.

The Ministry of Education and Culture has also been tasked with the promotion of cultural activities; men and women, minority groups, etc are encouraged to be involved. Please note that in April of this year a new Ministry was created to cater specifically for sports and culture. The Ministry of Education, under which these activities have previously administered, will now concern itself only with education (primary and secondary). The new Ministry of Sports and Culture now carries the responsibility of promoting and administering sports and culture.

Women have been involved in recreational, sporting and cultural activities. However, these activities are still dominated by men and there is need for more women to be involved. It is hoped that the new Ministry of Sports and Culture will encourage the participation of more women and remove the current imbalance.

ARTICLE 14

PROBLEMS FACED BY RURAL WOMEN

1. Most rural women are classified as housewives, unemployed or economically inactive when they are involved in subsistence agriculture, unpaid domestic work and in casual or seasonal wage labour in agriculture simultaneously or in varying combinations of these activities. Rural women's work and agricultural production has not been given much recognition and it is only now that Government is recognising their efforts and encouraging their absorption into the economic mainstream.

Given that women play an important role in assuring the survival of their households and communities, it is important to recognize and acknowledge their economic contributions in all levels of the economies of different countries. In Zimbabwe, there has been a concerted attempt to improve the lot of rural people in general although some of the programmes may not have the desired effects. The 1992 Census revealed that, generally, among the rural population it is the women from poorer households whose health, education, incomes and general lifestyles are least developed.

As has been the noted under Article 12, the mortality rates of women in rural areas are likely to be higher than those women in urban areas because of, among other things, the unequal distribution of health facilities in the country, poor education and poor diet. Data that are specifically about rural women tend to be scanty and have to be gleaned from small situational surveys and studies, and census reports. According to the 1992 census, indicators on mortality are ideally computed directly from data on reported or registered deaths and the total population exposed to the risk of dying relating to a particular period. However, in the case of Zimbabwe, data based on registration are not complete. Alternative methods for the estimation of mortality have, therefore, had to be developed.

As indicated earlier under Article 12, in Zimbabwe the socio-economic statuses of people affect their life chances and in health, the situation is no different. Under-nutrition is more marked amongst communal and commercial farm populations than amongst urban and mining communities.

The accessibility and availability of services in rural areas depends on such factors as proximity to major roads, towns and the infrastructural development in districts. Some districts have better services than others due to concentrations of population which lead planners to provide services in those areas with dense settlement first. After independence, there was a concerted effort to provide services in the rural areas through infrastructural developments. To this end, rural health centres and growth points have been established.

a) 274 rural health centres had been built by 1987 and this was a big improvement in access to health services for rural people although it is also true that these rural health centres are poorly supplied with drugs, staff and equipment. There still exist wide variations in distribution of health and other facilities in rural areas. This differential provision in health, education and other services results in people migrating to towns and cities in order to access major services particularly in health and education.

Rural women also use traditional health care services especially those of midwives. By 1989, over 6 000 traditional midwives had been trained in hygiene, sanitation,

sterilization techniques and in general health since they deliver babies amongst rural women. The services of traditional midwives are likely to be in greater demand as cost recovery measures in hospitals and clinics register on the poor rural people who cannot afford to pay for the use of health services provided by government, district councils and missions.

It is important to provide more and better quality services to the rural areas as there are large populations of rural women who reside in the communal, resettlement and commercial farming areas who cannot afford to pay for these services. This is one of the reasons why the Government recently resolved that with effect from 1 March, 1995 rural clinics and health centres will not charge for any services rendered by them. Although it is Government policy to improve the service and to make them affordable to the rural population,Government efforts have been hampered by the lack of adequate funds, personnel and other resources.

Please also refer to the information given under Article 12.

It has been pointed out in Part 1 that rural women mostly depend on land for their livelihood and that, however, they do not have much access to and control over the land (especially communal land). Most of these women cannot afford to buy freehold land and they have to rely on communal land, whose ownership vests in the State.

Since women in the communal farming areas do not have access to land in their own right or own the land they use they cannot use the land as security for agricultural loans. They have to rely on the handouts that Government gives to rural people, such as seed and fertilizers. Efforts are now being made to offer them loans for purposes of improving their agricultural output. Under Article 13 we have already discussed schemes such as the group lending scheme run by the AFC and the pilot project in Mashonaland West Province.

The land tenure system generally operates against the interests of women in male-headed households as well as those within households headed by widows, divorcees and single women.

According to the 1992 Census there are about 2 163 289 private households in Zimbabwe, with the average household size being4.8. 67 percent of the households are male-headed. Table 18 of the Annexure shows the distribution of households by size and sex of the head of the household.

In the commercial farming areas where much of the land is held on freehold, there are very few women who can afford to buy land in their own right. Most of the rural women on these farms are relatives or labourers of the male farm owners. Thus, most rural women are not in a position to acquire wealth and property since they have very low incomes and no independent access to land.

Much more still needs to be done to resolve the problem of unequal access to land, especially with regard to the disadvantaged, most of whom are women. To this end, the Government set up a Commission of Inquiry into Land Tenure to look into the situation and recommend appropriate reforms. The Land Tenure Commission recently submitted its report and recommendations to the President. In line with some of the recommendations the President split the then Ministry of Lands, Agriculture and Water Development into two. We now have the Ministry of Lands and Water Development. The latter Ministry has been specifically tasked

with the implementation of the recommendations of the Land Tenure Commission and to ensure an equitable distribution of land.

It is hoped that the new Ministry will improve the accessibility of land to the disadvantaged, especially women. There were concerns, however, from certain interested groups, especially women's groups, that women were under represented on the Land Tenure Commission. Of the 12 members of the Commission only one was a woman. It was felt that the problems facing women with regard to access to land might not be adequately and satisfactorily addressed.

Government also enacted the Land Acquisition Act in 1990 in order to address the problem of inequitable distribution of land. Under this Act land will be acquired to resettle the landless communal people. In fact the resettlement programme is already underway with hundreds of families already settled. The Ministry of Lands and Water Development will also bear this responsibility.

(c) In some areas rural women have organized themselves into self-help groups and co-operatives in order to make use of economies of scale in purchasing inputs and marketing agricultural produce. The former Ministry of Community Development and Women's Affairs (and some of whose functions have been transferred to the current Ministry of National Affairs, Employment Creation and Co-operatives), local and foreign NGOs and community leaders in many parts of the country help and encourage women to organize themselves into groups to embark upon projects for income generation. Some of these projects are, however, not sustainable since they are a response to available funds rather than felt needs, but some of those which are based on communities of interest and common goals have survived. Many religious groups have formed co-operatives, savings clubs and revolving funds for procuring capital goods and equipment for agriculture and small scale industry on a household basis.

(d) Rural communities are encouraged to engage in and participate in community activities and this is done through, for instance, village and ward development committees. In addition to self-help groups and co-operatives, women in rural areas have access to rural markets for specified fees per month. Most business centres and growth points in rural areas have peoples markets which are set aside for people to sell their produce. It is not very profitable to sell agricultural produce in rural areas since rural people's incomes tend to be lower than those of urban people and producers tend to have similar goods on sale. This keeps prices of produce low and can lead to waste of resources in the production of goods with very low demand and poor prices.

(e) Training and education of rural people comes in various forms, such as adult literacy education, training courses and workshops for members of co-operatives and self-help groups, extension services, etc. In terms of extension assistance, rural women are serviced by extension personnel, usually chosen from the local community or brought from other areas to serve the community. The most important extension services to the rural people is the Agricultural Extension Services. Agricultural Extension officers are deployed in the rural areas to disseminate information on improved methods of production and conservation to the rural farming community. However, the problem of the low extension officer to farmer ratio still persists, mainly due to limited Government resources. The ratio of extension workers to farmers varies from area to area from 1 to 500 to 1 to 1 500 and this is not sufficient. To supplement and complement the extension activities by Government, there are a number of NGOs who are also involved.

(f) There are no specific social security programmes for rural people. However, Government endeavours in a number of ways to alleviate their suffering. For instance, in drought years and periods immediately after, it distributes drought relief food, as well as seed and fertilizers for drought recovery. Recently the Government introduced a Grain Loan Scheme whereby those without sufficient grain in any year get grain from the Government and pay it back when their situation has improved. Rural people can also benefit from the Social Dimensions Fund - non-payment of fees for health services, money for school and examination fees for their children, etc.

They can also seek assistance from the State in terms of the Social Welfare Assistance Act which we discussed under Article 13.

(h) Generally, housing is still poor as most rural people have to build their own houses. Electricity and sanitation are rare and these are mostly to be found mainly at some of the rural service centres and growth points. Water supply has improved through Government, NGO and donor efforts. Most areas now have access to borehole water and in some areas they even have piped water. Transport and communication have generally improved with the construction of new roads and rehabilitation of some of the existing ones. However, more needs to be done as the information below will show.

According to the 1992 Census, the situation in Zimbabwe as a whole with regard to the type of dwelling units is that 40 percent of the households live in traditional type of dwelling units (the poorest type), while 16 percent occupy a mixed type of dwelling unit. 39 percent of the households live in modern type of dwelling units (the best). The traditional type of dwelling is most common in the rural areas whilst the modern type of dwelling is to be found mainly in the urban areas.

The proportion of households using electricity in the country is low, only 28 percent of households have electricity and most of these are in the urban areas. The proportion of households with electricity in urban areas is 72 percent while in the rural areas it is a mere 5 percent. In rural areas, 95 percent of the households use wood for energy.

With regard to the source of water for drinking and cooking about 77 percent of all households have access to safe water, that is either piped orfrom protected well or borehole. The remaining 23 percent rely on unsafe water from unprotected wells, rivers, streams and dams. 39 percent of households have water on their premises, while 27 percent have water within a distance of less than 500 metres. About 13 percent have their main source of water at a distance of more than one kilometre. Households in urban areas are better off than those in the rural areas both in terms of the type of source of water and the distance to the source.

The 1992 Census figures further show that households in urban areas have better toilets than those in rural areas. 94 percent of households in the former use flush toilets, compared to only 5 percent in the latter. In rural areas reliance is placed on Blair toilets and pit latrines. In many cases they have no toilet facilities at all. They form the larger percentage of the 34 percent households which have no toilet facility at all.

To improve on the water and sanitation situation the Government introduced the National Action Plan on Water and Sanitation. Through the Integrated Rural Water and Sanitation Programme (IRSSP), which will be implemented in two phases, the Ministry of Local Government, Rural and Urban Development will :-

(a) provide clean water supplies to all people in rural and commercial areas. The intention is to reduce the walking distance for women and children who are the main carriers of water for domestic use and to curb the spread of water born diseases. The facilities include boreholes, deep wells, shallow wells and piped water.

(b) the construction of boreholes for all households in the rural areas.

At present the IRWSSP is being implemented in 40 out of the 60 districts in the country. With regard to water points the set target is 50 000 water points and to date 33 000 water points have been made available.

Each water point is managed by a water point committee, usually comprising a male chairperson, female secretary, a committee member and female village community worker. Thus women dominate the control and management of water and sanitation facilities. The programme has involved about 99 000 women since its inception.

ARTICLE 15

EQUALITY BEFORE THE LAW

1. The Constitution guarantees everyone the right to equality before and protection of the law.

2. Women can sue or be sued in their own right as a result of the Legal Age of Majority Act, 1982 (LAMA). Prior to the passing of this Act, women did not have full legal capacity as was the case with their male counterparts. They were denied majority status by both customary and general law and thus, they could not enter into contracts, sue or be sued or enter into marriage without the consent and/or assistance of their guardians. Married women could only sue or be sued in their husband's names while fathers (or other guardian in the absence of the father) took on the legal responsibility for their unmarried daughters. With the passing of LAMA, women now attain majority on turning 18 years with the right to sue or be sued, enter into marriage, to contract, etc, in their own right. However, up until 1991 married women could not deal inimmovable property without the assistance of their husbands. This has, however, been changed following the amendment of Deeds Registries Act and women can now own property in their own right.

Few women can afford legal services in their own right. This is because many are still dependent economically. However, NGOs such as the Legal Projects Centre, Citizen's Advice Bureau, etc. offer some assistance to such women. These organizations do not charge for their services. Rural women, however, lack access to such institutions and relevant information. The Ministry of National Affairs, Employment Creation and Co-operatives and some NGOs are therefore endeavouring to disseminate information to the rural women.

In most cases, however, such organizations cannot represent the client in court as they may not have the legal capacity to do so. This means that women are still expected to pay for legal representation. Few private lawyers take up cases free of charge.

The Law Society of Zimbabwe runs a free legal advice centre for both poor men and women. They only provide advice and may also help a client draft papers. Government also assists pro deo and in forma pauperis proceedings. In terms of the Legal Assistance and Representation Act, deserving parties also get assistance. The Legal Aid and Law Promotion Section in the Ministry of Justice, Legal and Parliamentary Affairs also offers legal aid and assistance to indigent members of the public. There are plans to introduce an even more comprehensive scheme through the Legal Aid Bill (currently under consideration by Government).

3. The Constitution guarantees both men and women the same rights with regard to the freedom of movement and freedom to choose their residence. However, as already discussed above under Article 9, women are disadvantaged by the immigration laws when it comes to living with their foreign spouses in Zimbabwe.

In terms of the Immigration Act, 1979 the wife and children of a male Zimbabwean citizen are not prohibited persons and are entitled to enter and remain in Zimbabwe. The same does not, however, apply to the husband and children of a female Zimbabwean citizen. In a recent case (1994) the Supreme Court ruled that the constitutional right to freedom of movement of a female citizen would be contravened if her foreign husband was not permitted to reside with her in Zimbabwe. This ruling will necessitate changes to the Immigration Act although at present no concrete steps have been taken to effect the changes.

ARTICLE 16

ELIMINATION OF DISCRIMINATION AGAINST WOMEN WITHIN MARRIAGE AND THE FAMILY

1. Marriage relationships are governed by both general and customary law and there are three types of marriage, namely civil marriage, registered customary marriage and unregistered customary marriage. Civil marriages are contracted in terms of the Marriage Act [Chapter 37] and they are monogamous. Prior to independence they were predominantly contracted by non-Africans. All Zimbabweans are competent to contract this type of marriage and it is governed by general law. Most Africans whose marriages were registered were, prior to independence, married under the African Marriages Act [Chapter 238]. Marriage under this Act is potentially polygamous and it can only be contracted by Africans. It is governed by customary law.

The third type of marriage, the unregistered customary marriage, is where customary law requirements relating to marriage have been met but the union is not eventually registered. The law considers this marriage as invalid except for certain specific purposes, such as the status and rights of children of such marriage.

The registration of marriages is not yet compulsory. Although there are two Acts governing the registration of marriages, the law to some extent recognises unregistered customary marriages as has been discussed above. When Zimbabwe acceded to the Marriage Convention it entered a reservation to the effect that it would continue to recognize unregistered marriages for specific purposes for some time to come.

(a) Prior to the enactment of the Legal Age of Majority Act, a woman could not marry without the consent of her father or guardian. With the enactment of the

Legal Age of Majority Act a major woman who wishes to marry no longer requires her father's or guardian's consent to marry since in law she no longer has a guardian. Women over the age of 18 years can now enter into marriage without the consent of their fathers or guardians and men and women have the same right to enter into marriage.

Without consent of both spouses a marriage can be annulled. Consent is vitiated by such factors as duress, insanity, etc.

Women are now free to enter into a marriage without the pre-requisite of the *lobola* (dowry). In practice, however, women still prefer parental consent and thus the payment of *lobola* before they enter into marriages. Women fear isolation from other family members, particularly, their parents.

In recognition of, among other things, the rights of men and women to choose a spouse and to enter into marriage only with their free and full consent Zimbabwe recently acceded to the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (Marriage Convention).

(b) Marriage under both general and customary law create obligations between the spouses. Both spouses have a reciprocal duty to support each other during the subsistence of the marriage, during separation and in some cases after divorce. This duty includes the provision of accommodation, clothing, food, medical expenses and everyday necessities.

Marriage creates a matrimonial property regime which is out of community of property unless parties enter into an ante-nuptial contract which creates community of property . A woman can thus acquire property in her own right. In dividing the property, however, the courts will look at the principle of equity rather than who bought what. The courts take into account the duration of the marriage, the direct and indirect contributions of the parties andthe needs of each spouse and their minor children as provided in the Matrimonial Causes Act. However, where the marriage was not registered the provisions of the Act do not apply.

(c) Marriage has consequences on the rights and obligations of parents towards their children. Custody is not an issue during the subsistence of a marriage, but what is an issue is the question of guardianship.

A father has the right of guardianship over a child. This gives the father the responsibility to assist the child in all legal matters pertaining to it.

Parents have a duty, in accordance with their means, to maintain their children.

Guardianship of children normally vests in the father of legitimate children, which he must exercise in consultation with the mother, though sole guardianship or custody may be awarded to either parent if the court considers it in the best interests of the child to do so. In terms of the Guardianship of Minors Act [Chapter 34] where the parents of a minor child separate, sole custody is initially vested in the mother and the court may subsequently award custody to the father. Generally the guardianship of illegitimate children and their custody vests with the mother, unless there is intervention by the court. It must be noted that the determination of custody is in accordance with the child's best interests. Please note that the High Court is the upper guardian of all minors.

The institution of adoption in Zimbabwe was introduced by the Children's Protection and Adoption Act [Chapter 33]. The provisions of the Act apply equally to everyone and children can only be adopted in terms of the Act. Adoption may be allowed only if it will be in the best interests and welfare of the child.

(d) It is entirely up to spouses to determine the spacing and number of children they will have, although with regards to Africans the husbands tend to have much more say and spouses' families may also intervene. Information and access to means of child spacing and birth control are provided mainly by the Zimbabwe National Family Planning Council and to some extent NGOs. Information on family planning has already been given under Article 12.

(e) Spouses have basically the same personal rights. A spouse is entitled to choose a profession and an occupation. A wife may assume her husband's name (surname) although she is not obliged to do so. However, it is the husband's domicile that governs the marriage.

(f) Marriage can only be dissolved by divorce or death. The death of a spouse automatically terminates the marriage. Grounds for divorce for registered marriages are set out in the MatrimonialCauses Act, 1985, which states that a party can obtain a divorce on grounds that the marriage has irretrievably broken down or that either of the parties has an incurable mental illness or continuous unconsciousness. The Act allows for an equitable distribution of matrimonial property and, as already discussed above, the direct and indirect contribution of the spouses to the matrimonial property is taken into account.

(g) Inheritance rights in Zimbabwe are governed by both general and customary law. The devolution of the property of African spouses is in accordance with customary law. The customary law of inheritance disadvantages African women. It does not recognize a woman's right to inherit from her husband and vice versa, unless there is a will providing to the contrary. Similarly, women cannot inherit from their fathers except in situations where there is no surviving son but a daughter(s) only. Thus the Legal Age of Majority Act does not put men and women on the same footing when it comes to inheritance in terms of customary law. It must be noted, however, that according to a 1992 Supreme Court decision the estates of African persons married in terms of the Marriage Act will devolve in accordance with general law. Thus only the estates Africans married in terms of the African Marriages Act or unregistered customary marriages shall be governed by customary law.

The Government published a "White Paper on Marriage and Inheritance", which proposed changes to the laws relating to marriage and inheritance in Zimbabwe. Members of the public,organisations and interested groups were invited to submit their views on the proposed changes. The Ministry of Justice, Legal and Parliamentary Affairs has considered those views and has submitted recommendations to Government for consideration. It is hoped that the marriage and inheritance laws will then be changed to remove prejudices, discrimination and disadvantages currently being experienced by blacks and, in particular, black women.

2. The betrothal and the marriage of a child does not have legal effect. The Marriage Act specifies the minimum age for marriage as 16 years for girls and 18 years for boys. Marriage by any party under these ages must be with the approval of the Minister of Justice, Legal and Parliamentary Affairs. The African Marriages Act prohibits the pledg-

ing of young girls and women generally. However, in the case of unregistered customary marriages, young girls in some instances are still being pledged and married off and the law enforcement agencies do not detect this. There is therefore need for a massive awareness campaign in order to change society's attitudes.

There is one problem in marriage that is a cause for great concern and that remains to be satisfactorily resolved, that of domestic violence. Domestic violence is quite prevalent in many households in Zimbabwe. Invariably, the victim is the woman and as a result domestic violence is a much more serious problem for women than for men, although there are also cases of men being the victims. A publication by the Ministry of Health and Child Welfare entitled "Women's Health in Zimbabwe - A Path to Development" quotes figures by Musasa Project, an NGO that offers counselling and public education on violence against women, as being 35 for rape, 788 for domestic violence involving couples and 29 for child sexual abuse for the period March, 1993 - February, 1994. The actual figures are higher considering that Musasa project is based only in Harare and that there is underreporting.

Domestic violence includes physical and verbal harassment of a spouse, wife-beating, (or husband-beating in negligible cases), threats of violence and sexual harassment or assault. Please note that we have not specifically mentioned rape. This is because it is not yet clear whether or not having sexual intercourse with a spouse without her consent amounts to rape in our jurisdiction.

Offences arising from domestic violence, and in respect of which the person involved may be prosecuted, include common assault, assault with intent to cause grievous bodily harm, attempted murder, culpable homicide or murder (where death results) and malicious injury to property or arson (where the destruction of property is involved).

Further, a victim of domestic violence may apply to a court for a peace order. A peace order is in effect an order barring the perpetrator of violence from committing further acts of violence. But there is a problem of lack of awareness, especially among the rural population.

Until fairly recently, the issue of domestic violence did not receive much attention as a human rights issue or as an illegal act and, regrettably, even the police and the courts tended to treat domestic violence as merely a "domestic affair" to be resolved privately by the parties themselves and their relatives or friends. The problem was however, highlighted, especially by NGOs focusing on human rights and women's rights in particular and attitudes have gradually changed. Consideration must also be given to extending the legal definition of rape to include marital rape.

The police and the courts are now giving cases of domestic violence more serious consideration. The Zimbabwe Republic Police is training its officers how to properly handle cases of domestic violence and sexual abuse within and outside the family. Police officers are being trained on how to investigate complaints of domestic violence, sexual abuse, etc. The training also deals with handling the stress and trauma suffered by the victims and to offer general support to the victims. It is hoped that with this sort of training the police will get more and more gender sensitive and take more seriously cases of violence and sexual abuse perpetrated against women. However, the women victims themselves often present problems to the Police in their efforts to arrest the problem of domestic violence. In a large number of cases they report the matter to the police only to withdraw their complaint before the matter has been fully investigated and brought before

courts. Usually, women are forced to withdraw charges because the husband is the sole breadwinner and if he is jailed they suffer.

Much needs to be done, however, on the aspect of gender training on domestic violence. Court officials need to be more gender sensitive, especially when handling victims of domestic violence and sexual abuse. Further awareness among the police, lawyers, magistrates, judges and other law officers must be raised.

CONCLUSION

Much has been done to promote equality and the advancement of women and to remove discrimination against them, by way of accession to human rights instruments specifically addressing women's rights, the enactment of necessary legislation and the creation of a machinery specifically tasked with addressing women's issues. However, these measures are not enough to bring about equality for women. They must be accompanied by changes in social attitudes, administrative practices and economic practices. Active programmes of public education and debate must also be encouraged.

Regrettably quite a lot of negative attitudes towards women still persist and many women remain ignorant of their rights.

So far, very few people in Zimbabwe have an idea of what the Convention is about, what it implies for Government and other organizations. In most of the Ministries and organizations that were approached for information for the compilation of this report, officers had never even heard about the Convention. Given the general ignorance of civil servants particularly, it is incumbent on Government to embark on a vigorous information campaign in order to appraise the civil service about their responsibilities towards fulfilling provisions of the Convention.

The Convention has not been translated into local languages and very few people are aware of the fact that Zimbabwe has ratified it. The media has not widely and adequately covered the Convention, its provisions and implications for the people of Zimbabwe in general and Zimbabwean women in particular. In addition, data and statistics on the economic, social and legal status of women must be compiled and filed on a gender basis to monitor the situation of women in Zimbabwe. This move has started albeit in a small way.

<> <> <> ..... <> <> <>

ANNEX

TABLE 1

PRIMARY SCHOOL ENROLMENT BY GENDER AND GRADE

Year		1990	1991	1992	1993	1994
Grade	1 m	194733	212731	207459	216985	214800
	f	192664	199993	202806	208391	206167
	2 m	175494	185874	182400	186040	189827
	f	171809	179181	179420	180412	181390
	3 m	155918	177061	175728	176031	192315
	f	153546	172036	172257	171820	187090
	4 m	145042	159122	166421	169223	192932
	f	142215	154312	165135	166555	179830
	5 m	134696	149106	150557	161747	177710
	f	131796	144250	150156	160073	173605
	6 m	136226	143093	144345	151140	173285
	f	130873	139792	143293	148443	168727
	7 m	129962	138213	133213	154651	163999
	f	122035	134545	128615	139928	154901

Source : Ministry of Education

TABLE 2

PERCENTAGE ENROLMENT IN PRIMARY SCHOOL

Year	1990	1991	1992	1993	1994
Grade 1 m	50.24	51.54	50.57	51.01	51.03
f	49.76	48.46	49.43	48.99	48.97
2 m	50.53	50.92	50.41	50.77	51.14
f	49.47	49.08	49.49	49.23	48.86
3 m	50.38	50.72	50.50	50.61	50.69
f	49.62	49.28	49.50	49.39	49.31
4 m	50.49	50.77	50.19	50.60	51.76
f	49.51	49.23	49.81	49.40	48.24
5 m	50.54	50.83	50.07	50.26	50.58
f	49.46	49.17	49.93	50.74	49.42
6 m	51.00	50.58	50.18	50.45	50.67
f	49.00	49.42	49.82	49.55	49.33
7 m	51.57	50.67	50.90	52.50	51.43
f	48.43	49.33	49.10	47.50	48.57

Source : Ministry of Education

TABLE 3

SECONDARY SCHOOL ENROLMENT BY GENDER AND FORM (Forms 1 - 4)

YEAR		1990	1991	1992	1993	1994
FORM	1 m	104182	106445	97627	92755	103335
	f	88571	89252	82825	81245	92160
	2 m	98038	97774	90643	86515	85237
	f	78847	79428	75257	73496	73356
	3 m	93385	93385	87133	85539	83335
	f	68334	71864	67700	68130	66375
	4 m	74657	88712	80721	77982	78701
	f	50571	64955	57196	55197	58158

Source : Ministry of Education

TABLE 4

PERCENTAGE ENROLMENT IN SECONDARY SCHOOL (Forms 1 - 4)

YEAR		1990	1991	1992	1993	1994
FORM	1 m	54.05	54.39	54.10	53.31	52.85
	f	45.95	45.61	45.90	46.69	47.15
	2 m	55.42	55.18	54.64	54.07	53.75
	f	44.58	44.82	45.36	45.93	46.25
	3 m	57.75	56.52	56.28	55.66	55.66
	f	42.25	43.48	43.72	44.34	44.34
	4 m	59.53	57.73	58.53	58.55	57.51
	f	40.47	42.27	41.47	41.45	42.49

Source : Ministry of Education

TABLE 6 [a]

SECONDARY SCHOOL DROPOUT RATE BY GENDER AND FORM (Form 1 - 4)

FORM	1		2		3		4	
	m	f	m	f	m	f	m	f
YEAR								
'90 Promotion	93.8	89.7	95.2	91.1	95.0	95.1	92.5	91.8
Dropout	6.2	10.3	4.8	8.9	5.0	4.9	7.5	8.2
'91 Promotion	85.1	84.3	89.1	85.2	86.4	79.6	95.1	93.4
Dropout	14.9	14.7	10.9	14.8	13.6	20.4	4.9	6.6
'92 Promotion	88.3	88.7	94.4	90.5	89.5	81.5	94.5	92.5
Dropout	11.7	11.3	5.6	9.5	10.5	18.5	5.5	7.5
'93 Promotion	91.9	90.3	96.3	90.3	92.0	85.4	93.7	93.1
Dropout	8.1	9.7	3.7	9.7	8.0	14.6	6.3	6.9

1994 Figures not yet available

Source : Ministry of Education

[a] Table 5 has not been supplied by the State party.

TABLE 7

SECONDARY SCHOOL ENROLMENT BY GENDER AND FORM (Form 5 - 6)

	FORM	5		6	
		m	f	m	f
YEAR	1990	5500	2773	5217	2200
	1991	6108	3781	5380	3249
	1992	5893	3174	5874	2899
	1993	6096	3143	6060	3381
	1994	6513	3813	6015	3307

Source : Ministry of Education

TABLE 8

PERCENTAGE ENROLMENT IN SECONDARY SCHOOL (Form 5 - 6)

	FORM	5		6	
		m	f	m	f
YEAR	1990	66.48	33.52	70.34	29.66
	1991	61.77	38.23	62.35	37.65
	1992	64.99	35.01	66.96	33.04
	1993	65.98	34.02	64.19	35.81
	1994	63.07	36.93	64.52	35.48

Source : Ministry of Education

TABLE 9

SECONDARY SCHOOL DROPOUT RATE BY GENDER (Form 5 & 6)

YEAR	1990	1991	1992	1993	1994
M Promotion	97.82	96.17	107.83	96.67	-
Dropout	2.18	3.83	0.00	1.33	-
F Promotion	117.17	76.67	106.52	105.22	-
Dropout	0.00	23.33	0.00	0.00	-

Source : Ministry of Education

TABLE 10

PERCENTAGE DISTRIBUTION OF POPULATION AGED 5+ BY SCHOOL ATTENDANCE AND GENDER, ZIMBABWE 1992 CENSUS

School Attendance	M	F	Total	Number
Never been to School	40.01	59.99	100.00	1 461 261
Currently at school	51.93	48.07	100.00	3 005 291
Left school	49.27	50.73	100.00	4 352 667
NS	53.89	46.11	100.00	8 638
TOTAL	**48.65**	**51.35**	**100.00**	**8 827 827**

Source : Central Statistical Office

TABLE 11

PERCENT DISTRIBUTION OF THE POPULATION AGED 5+ BY SCHOOL ATTENDANCE AND BY GENDER, URBAN AND RURAL AREAS, ZIMBABWE 1992 CENSUS

(a) Urban areas

School attendance	M	F	Total	No.	%
Never been to school	45.64	54.36	100.00	220 819	8.04
Currently at school	50.11	49.89	100.00	771 065	28.07
Left school	53.00	47.00	100.00	1 750 811	63.74
NS	55.44	44.56	100.00	3 799	0 14
TOTAL %	**51.60**	**48.40**	**100.00**	**2 746 593**	**100.00**

(b) Rural areas

School attendance	M	F	TOTAL	No.	%
Never been to school	39.01	60.99	100.00	1 240 343	20.40
Currently at school	52.56	47.44	100.00	2 234 226	36.74
Left school	46.76	53.24	100.00	2 601 856	42.78
NS	52.68	47.32	100.00	4 839	0.08
TOTAL %	**47.32**	**52.68**	**100.00**	**6 081 264**	**100.00**

Source : Central Statistical Office

TABLE 12

NUMBER OF PEOPLE PER HOSPITAL BED (excluding maternity beds)

PROVINCE	Total No. of Health Facility Bed Compliment	No. of People per Bed
Manicaland	2 070	743
Mashonaland Central	866	990
Mashonaland East	1 207	856
Mashonaland West	1 297	861
Masvingo	2 145	569
Matabeleland North	869	737
Matabeleland South	1 242	476
Midlands	2 216	587
TOTAL	**11 912**	**5 819**

Source : Report of the Secretary for Health and Child Welfare for the Year Ended 31st December, 1992

TABLE 13

NUMBER OF HOSPITAL FACILITIES, POPULATION AND NUMBER OF PEOPLE PER FACILITY

PROVINCE	No. of Health Facilities	Population (projected population) 1994	No. of People per Health Facilities
Manicaland	279	1 666 689	6 211
Mash. Central	112	910 730	8 132
Masho. East	178	1 069 481	6 008
Mash. West	150	1 174 977	7 833
Masvingo	166	1 248 639	7 522
Matabele. North	92	672 069	7 305
Matabele. South	111	624 644	5 627
Midlands	223	1 385 135	6 211
Bulawayo	27	644 393	23 866
Harare City	60	1 617 871	26 965
TOTAL	**1 378**	**10 945 068**	**7 943**

Source : Central Statistical Office

TABLE 14

LIFE EXPECTANCY AT BIRTH, 1978-1990, ZIMBABWE 1992 CENSUS

YEAR	MALES	FEMALES	TOTAL
1990	58	62	61
1988	61	63	62
1986	61	61	61
1984	60	61	60
1982	57	59	58
1978	57	58	57

Source : Central Statistical Office

TABLE 15

(a) INFANT MORTALITY RATES BY GENDER,1978-1990, ZIMBABWE 1992 CENSUS

YEAR	MALE	FEMALE	TOTAL
1990	69	62	66
1988	65	57	61
1986	68	61	64
1984	73	66	69
1982	83	75	79
1978	87	79	83

(b) **CHILD MORTALITY RATES BY GENDER, 1978-1990, ZIMBABWE 1992 CENSUS**

YEAR	MALE	FEMALE	TOTAL
1990	29	24	26
1988	26	21	23
1986	27	23	25
1984	31	26	28
1982	37	32	34
1978	40	34	37

(c) **INFANT AND CHILD MORTALITY RATES AND LIFE EXPECTANCY AT BIRTH (EO) BY GENDER FOR URBAN AND RURAL AREAS 1990, ZIMBABWE 1992 CENSUS**

AREA	SEX	IMR	CMR	EO
Urban	Males	59	22	63
	Females	53	19	64
	Total	55	20	63
Rural	Males	75	32	59
	Females	67	27	61
	Total	71	30	60

(d) **INFANT MORTALITY AND CHILD RATES AND LIFE EXPECTANCY AT BIRTH (EO) BY GENDER AND LEVEL OF EDUCATION OF MOTHER 1989 AND 1990, ZIMBABWE 1992 CENSUS**

Level of Education	Sex	IMR	CMR	EO
No Education (1989)	Males	110	57	52
	Females	97	47	55
	Total	105	53	53
Primary Education (1990)	Males	74	32	59
	Females	65	26	61
	Total	70	29	60
Secondary Education and Above (1990)	Males	54	19	64
	Females	51	17	64
	Total	52	18	64

Source : Central Statistical Office 1994 National Report, Zimbabwe 1992 Census

TABLE 16

PERCENT DISTRIBUTION OF CHILDREN SURVIVING BY GENDER FROM THE AVERAGE NUMBER OF CHILDREN EVER BORN BY AGE GROUP OF MOTHERS, ZIMBABWE 1992 CENSUS

AGE GROUP	MALES	FEMALES	TOTAL
15 - 19	92	93	93
20 - 24	92	93	93
25 - 29	92	93	92
30 - 34	91	92	91
35 - 39	89	91	90
40 - 44	86	88	88
45 - 49	85	86	85

Source : Central Statistical Office 1994 Report,
Zimbabwe 1992 Census

TABLE 17

FEMALE PROBABILITIES OF SURVIVING FROM AGE 25 TO AGE X, ZIMBABWE 1992 CENSUS

AGE X	PROBABILITIES OF SURVIVING
45	.9496
50	.9211
55	.8883
60	.8478
65	.7926
70	.6935
75	.5836

Source : Central Statistical Office 1994 National Report, Zimbabwe 1992 Census

TABLE 18

THE DISTRIBUTION OF PRIVATE HOUSEHOLDS BY SIZE AND SEX OF HOUSEHOLD, ZIMBABWE 1992 CENSUS

Household	Number of Households Headed by Size					
	Males		Female		Total	
	No.	%	No.	%	No.	%
1	215 151	72.26	82 588	27.74	297 739	100.00
2	175 083	66.54	88 042	33.46	263 125	100.00
3	184 651	64.99	99 470	35.01	284 121	100.00
4	178 183	63.62	101 903	36.38	280 086	100.00
5	162 177	62.41	97 637	37.59	259 754	100.00
6	146 085	63.90	82 518	36.10	183 880	100.00
7	122 992	66.89	60 888	33.11	183 180	100.00
8	92 288	69.74	40 045	30.26	132 333	100.00
9	63 847	71.51	25 433	28.49	89 280	100.00
10	44 643	72.71	16 752	27.29	61 395	100.00
11	60 784	73.26	22 189	26.74	82 973	100.00
TOTAL	**1 445 824**	**66.83**	**717 465**	**33.17**	**2 163 289**	**100.00**

Source : Central Statistical Office 1994 National Report, Zimbabwe 1992 Census

---